

August 8, 2011 when she attempted to return to modified duty but no work was available. Appellant returned to full duty on November 6, 2011. In an August 31, 2012 decision, OWCP denied her claim that she sustained a recurrence of disability on August 8, 2011. In a March 5, 2013 decision, an OWCP hearing representative affirmed the August 31, 2012 decision. In a nonmerit decision dated March 29, 2013, OWCP denied appellant's reconsideration request.

The Board has duly considered the matter and concludes that this case is not in posture for decision. As noted above, the record forwarded to the Board includes evidence that appellant has two claims for a right knee injury, an accepted claim that occurred on April 27, 2011 and a second claim for a July 18, 2011 injury. These claims were adjudicated by OWCP under file numbers xxxxxx283 and xxxxxx302 respectively. The merit issue in the instant appeal is whether appellant established that she sustained a recurrence of disability on August 8, 2011, which was adjudicated by OWCP under file number xxxxxx283 claim.

As the two claims referenced above are for right knee injuries and appellant is now claiming that she sustained a recurrence of disability on August 8, 2011 due to her right knee condition, it is unclear whether the record before the Board, OWCP file number xxxxxx283, contains all evidence that would be relevant as to whether she sustained a recurrence of disability due to her right knee condition.

Hence, the Board finds that this case is not in posture for a decision as the record before the Board is incomplete and would not permit an informed adjudication of the case by the Board. OWCP procedures provide for the doubling of a claim when a new injury case is reported for an employee who previously filed an injury claim for a similar condition or the same part of the body.³ The case must be remanded to OWCP to combine OWCP file number xxxxxx302 with file number xxxxxx283 pursuant to OWCP procedures. This will allow OWCP to consider all relevant claim files in developing appellant's claim. Moreover, to consider appellant's appeal at this stage would involve a piecemeal adjudication of the issues in this case and raise the possibility of inconsistent results. It is the Board's policy to avoid such an outcome.⁴ Following this and such other development deemed necessary, OWCP shall issue an appropriate merit decision on appellant's claim.

³ Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance & Management*, Chapter 2.400.8(c) (February 2000).

⁴ See *William T. McCracken*, 33 ECAB 1197 (1982).

IT IS HEREBY ORDERED THAT the decisions of the Office of Workers' Compensation Programs dated March 29 and 5, 2013 are set aside and the case is remanded to OWCP for proceedings consistent with this opinion of the Board.

Issued: December 13, 2013
Washington, DC

Richard J. Daschbach, Chief Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

Patricia Howard Fitzgerald, Judge
Employees' Compensation Appeals Board