

On September 19, 2012 OWCP requested that a second OWCP medical adviser review the medical record in the instant claim, as well as in appellant's claim assigned File No. xxxxxx713, which was accepted for lumbosacral spondylosis without myelopathy, to determine whether she had any employment-related bilateral lower extremity impairment.

In a September 22, 2012 report, the second OWCP medical adviser utilized Dr. Brooker's June 11, 2012 findings, referenced the sixth edition of the A.M.A., *Guides* and opined that appellant had no residual functional or physical loss. He stated that the notes from File No. xxxxxx713 did not shed any additional light on her ratable impairment as her back pain did not have any manifestations in the lower extremities. The medical adviser concluded that since the additional information provided did not change the previous right and left lower extremity impairment ratings rendered by the first OWCP medical adviser, these ratings and her date of maximum medical improvement remained the same.

In an October 4, 2012 decision, OWCP reviewed the merits of appellant's claim and denied modification of the September 27, 2011 decision. It found that the medical evidence did not support a finding of permanent impairment due to appellant's accepted employment-related back condition. On December 8, 2012 appellant requested reconsideration.

In a March 27, 2013 decision, OWCP again reviewed the merits of appellant's claim and denied modification. It found that the new medical evidence submitted did not contain any objective findings not previously considered in its October 4, 2012 decision to support a finding of permanent impairment.

The record forwarded to the Board includes evidence suggesting that appellant has an accepted claim for lumbosacral spondylosis without myelopathy in File No. xxxxxx713 that is relevant to File No. xxxxxx149 presently before the Board. However, the case record presently before the Board is limited to evidence in File No. xxxxxx149. The Board finds, therefore, that this case is not in posture for decision as the record before the Board is incomplete and would not permit an informed adjudication of the case by the Board. Thus, the case should be remanded to OWCP to combine the claim files. OWCP procedures provide that cases should be doubled when a new injury is reported for an employee who previously filed an injury claim for a similar condition and further indicates that the cases should be doubled as soon as the need to do so becomes apparent.² On remand, OWCP should combine the present case record, File No. xxxxxx149, with File No. xxxxxx713. After combining these two case records, it should consider the evidence contained in the combined case record and, following any necessary further development, issue a *de novo* decision regarding whether appellant has any permanent impairment of her bilateral lower extremities, warranting a schedule award.

² Federal (FECA) Procedure Manual, Part 2 -- Claims, *Doubling Case Files*, Chapter 2.400.8(c)(1) (February 2000).

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated March 27, 2013 is set aside and the case remanded for further proceedings consistent with this order of the Board.

Issued: November 7, 2013
Washington, DC

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

Patricia Howard Fitzgerald, Judge
Employees' Compensation Appeals Board

Alec J. Koromilas, Alternate Judge
Employees' Compensation Appeals Board