

surgeries, in case file number xxxxxx791,³ in determining his entitlement to a schedule award. The hearing representative further noted that “the [statement of accepted facts] did not list all physicians and did not specifically list his preexisting injury in 1975 while employed by the Bureau of Mines...” Appellant asserted that this condition should have been included in the statement of accepted facts provided to the second opinion physician and the referee physician prior to a schedule award determination.

The Board has duly considered the matter and notes that the case is not in posture for a decision. The claim before the Board, case file number xxxxxx121, involves appellant’s claim for a schedule award for his lower extremities for the accepted lumbar radiculopathy. In that claim appellant was denied a schedule award. In the December 4, 2012 decision, the hearing representative noted reviewing evidence and findings made in case file number xxxxxx791. The evidence also indicates that case file number xxxxxx791 may have evidence germane to the schedule award determination for the lower extremities in file number xxxxxx121.

Pursuant to its procedures, OWCP has determined that cases should be combined where correct adjudication depends on cross-referencing between files. In the instant appeal, it appears that, for a full and fair adjudication, OWCP claims pertaining to appellant’s lower extremity conditions should be combined pursuant to OWCP procedures.⁴ 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.⁵

The case will be remanded to OWCP to combine case file numbers xxxxxx121 and xxxxxx791. Following this and such other development as deemed necessary, OWCP shall issue an appropriate merit decision on appellant’s claim.

³ The medical records, factual information and OWCP decisions in this claim, case file number xxxxxx791, are not in the record before the Board.

⁴ Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c) (February 2000).

⁵ See *William T. McCracken*, 33 ECAB 1197 (1982).

IT IS HEREBY ORDERED THAT the December 4, 2012 decision be set aside and the matter remanded to OWCP for further proceedings consistent with this order of the Board.

Issued: October 24, 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