

The Board has duly considered the matter and concludes that the case is not in posture for a decision. As the record before the Board contains no evidence from the prior claim, the Board is unable to properly address and adjudicate the issue of whether appellant's left tendon foot tear was properly denied.

On remand, OWCP should combine the present case record, OWCP File No. xxxxxx424, with OWCP File No. xxxxxx514. After combining these two case records on remand, OWCP should consider the evidence contained in the combined case record and, following any necessary further development, issue a *de novo* decision. Accordingly, the November 29, 2012 decision denying her occupational disease claim should be set aside.

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated November 29, 2012 is set aside and the case remanded for further proceedings consistent with this order of the Board.

Issued: September 18, 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