

**United States Department of Labor
Employees' Compensation Appeals Board**

M.B., Appellant)
and) Docket No. 14-1390
U.S. POSTAL SERVICE, BASKING RIDGE) Issued: November 24, 2014
POST OFFICE, Basking Ridge, NJ, Employer)

)

Appearances:
Thomas R. Uliase, for the appellant
Office of Solicitor, for the Director

Case Submitted on the Record

ORDER REMANDING CASE

Before:
CHRISTOPHER J. GODFREY, Chief Judge
COLLEEN DUFFY KIKO, Judge
PATRICIA HOWARD FITZGERALD, Judge

On June 2, 2014 appellant, through counsel, filed a timely appeal from a March 14, 2014 merit decision of the Office of Workers' Compensation Programs (OWCP) affirming the termination of her compensation benefits and finding that she had no continuing disability due to her accepted employment injury. The Board docketed the appeal as No. 14-1390.

On prior appeal, by order dated February 27, 2013,¹ the Board found that the case was not in posture for a decision noting that the current OWCP File No. xxxxxx217, involved appellant's occupational disease claim for carpal tunnel syndrome. The Board further found that in both the March 20 and July 30, 2012 decisions, OWCP's hearing representatives noted at the oral hearing that appellant had a separate claim for traumatic injury to her right hand sustained on June 20, 2010 and suggested their intention to review that record prior to issuing the 2012 decision addressing the period of disability. The Board directed OWCP to combine the relevant case files and issue *de novo* decisions on appellant's claim.

On remand, OWCP did not combine appellant's files and did not issue *de novo* decisions regarding periods of disability. It proceeded to terminate his medical and compensation benefits effective May 9, 2013. An OWCP hearing representative considered this decision on March 14,

¹ *Order Remanding Case*, Docket No. 12-1722 (issued February 27, 2013).

2014 and affirmed the termination and further found that appellant had not established any period of disability or medical residuals on or after May 9, 2013.

The Board, having reviewed the case record, finds that the case is not in posture for decision. The Board has final authority to determine questions of law and fact. The Board's determinations are binding upon OWCP and must, of necessity, be so accepted and acted upon by the Director of OWCP.² Otherwise there would be no finality of decisions, the whole appeals procedure would be nullified and questions would remain moot.³

Accordingly, as OWCP failed to follow the Board's directive in its February 27, 2013 order to combine appellant's claim and as it did review and evaluate evidence found in OWCP File No. xxxxxx217, the case must be remanded to OWCP for the action described in the Board's February 27, 2013 decision. Following this and any further development deemed necessary, OWCP should issue *de novo* decisions regarding appellant's periods of disability and continuing benefits.

IT IS HEREBY ORDERED THAT the March 14, 2014 decision of the Office of Workers' Compensation Programs is revised and remanded for further proceeding consistent with this order of the Board.

Issued: November 24, 2014
Washington, DC

Christopher J. Godfrey, Chief Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

Patricia Howard Fitzgerald, Judge
Employees' Compensation Appeals Board

² E.C., Docket No. 14-588 (issued July 1, 2014); *Frank W. White*, 42 ECAB 696 (1991) (The Board's order in a prior appeal imposed an obligation on the Director to take particular actions as directed).

³ *Id.*