

the “cross referenced case” xxxxxx791, finding that appellant did not have any ratable permanent impairment in the bilateral lower extremities. Based on this, OWCP denied appellant’s claim for a schedule award. It did not combine file numbers xxxxxx121 and xxxxxx791. File number xxxxxx791 is not presently before the Board.

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. Otherwise, there could be no finality of decisions and the whole procedure would be nullified and questions would remain moot.³ In an October 24, 2013 order, the Board directed OWCP to combine file numbers xxxxxx121 and xxxxxx791. The Board finds that OWCP failed to take action as directed by the Board’s October 24, 2013 order. Although there is some indication in the record that the two file numbers were “cross referenced,” the file numbers were not combined in accordance with the Board’s October 24, 2013 order.

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

IT IS HEREBY ORDERED THAT the March 17, 2014 decision of the Office of Workers’ Compensation Programs be set aside and the case remanded to OWCP for further proceedings consistent with this order of the Board.

Issued: October 1, 2014
Washington, DC

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

Patricia Howard Fitzgerald, Judge
Employees’ Compensation Appeals Board

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

³ See *Paul Raymond Kuyoth*, 27 ECAB 498, 503-04 (1976); *Anthony Greco*, 3 ECAB 84, 85 (1949).