

xxxxxx123 and the medical evidence therein and opined that the medical evidence supported that appellant was capable of performing the selected position of hospital admitting clerk. Appellant testified that he had limitations and difficulty with lifting, carrying, standing, bending, sitting, and walking due to the accepted low back condition, and spinal fusion in claim number xxxxxx123 which would affect his ability to perform the hospital admitting clerk position in claim number xxxxxx897.

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 xxxxxx897, pertains to a wage-earning capacity decision based on the constructed position of hospital admitting clerk. Case file number xxxxxx123, which pertains to an accepted low back condition, was reviewed by the hearing representative and he found no evidence in the record to document that appellant was incapable of performing the selected position as a result of his back condition.

The procedures of OWCP require that consideration must be given to medical conditions, “including those accepted under other claims” when determining the medical suitability of a constructed position for a wage-earning capacity.³ The evidence reflects that claim file number xxxxxx123 has evidence germane to whether the constructed position of hospital admitting clerk fairly and reasonably represents appellant’s wage earning capacity in claim number xxxxxx897.

As noted, claim file number xxxxxx123 is not presently before the Board. Pursuant to its procedures, OWCP has determined that cases should be combined where correct adjudication depends on cross-referencing between files.⁴ In the instant appeal, it appears that, for a full and fair adjudication, appellant’s OWCP claims should be combined pursuant to OWCP procedures. This will allow OWCP to consider all relevant claim files in determining whether the constructed position of hospital admitting clerk fairly and reasonably represents appellant’s wage-earning capacity and to avoid piecemeal adjudication⁵ that could raise the possibility of inconsistent results.

The case will be remanded to OWCP to combine case files numbers xxxxxx897 and xxxxxx123 pursuant to OWCP procedures. Following this and such other development as deemed necessary, OWCP shall issue an appropriate merit decision on appellant’s schedule award claim.

³ Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.816(4)(b) (June 2013).

⁴ *Id.* at 2.400.8(c) (February 2000).

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

IT IS HEREBY ORDERED THAT the July 24, 2014 decision be set aside and the matter remanded to the Office of Workers' Compensation Programs for further proceedings consistent with this order.

Issued: April 8, 2015
Washington, DC

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

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

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