

He believed his current symptoms were related to the continuous and repetitive movements of the original right shoulder injury. Along with his claim, appellant submitted several medical reports dated January 18 to September 23, 2013 by Dr. Mark G. Grossman, a Board-certified orthopedic surgeon, who specializes in sports medicine, examined him for post status right shoulder rotator cuff repair and revision and recommended modified duty. In a March 5, 2013 attending physician's report, Dr. Grossman noted an original injury of January 7, 2012 and stated that appellant sustained a recurrence of right shoulder pain on January 8, 2013. By decisions dated October 16, 2013 and January 2, 2014, OWCP denied appellant's claim finding insufficient medical evidence to establish that his right shoulder condition was causally related to factors of his employment.

OWCP procedures provide that cases should be combined when correct adjudication of the issues depends on frequent cross-reference between files. For example, if a new injury case is reported for an employee who previously filed an injury claim for a similar condition or the same part of the body, doubling is required.¹ In the instant case, appellant filed a recurrence of disability claim for a January 7, 2012 injury, which OWCP converted to an occupational disease claim and assigned File No. xxxxxx857. OWCP thereafter denied the claim, for failure to establish causal relationship, finding that appellant has not established that factors of his employment between January 7 and December 4, 2012 and caused his current diagnosed condition.

The record reveals that appellant's previous January 7, 2012 traumatic injury was assigned File No. xxxxxx379 and that the injury was to the same part of the body. The factual and medical evidence pertaining to appellant's January 7, 2012 employment injury in File No. xxxxxx379, however, is not contained in the case record. Furthermore, the record indicates that appellant attempted to file this claim as a recurrence claim of the January 7, 2012 employment injury. On appeal appellant's attorney alleges that the current claim could be adjudicated as a recurrence of disability within 90 days or less of the January 7, 2012 injury. OWCP's procedures provide that, if a claim of recurrence of disability, rather than causal relationship.² OWCP, however, continued to adjudicate the claim as a new occupational disease claim, and deny the claim on the grounds of causal relationship, even though the evidence supports that appellant may have sustained a recurrence of the January 7, 2012 right shoulder injury. It failed to properly combine or request combination of the present case record with the record of the January 7, 2012 employment injury, which appellant implicated as the initial cause of his current right shoulder condition.³ The Board will consequently remand the case for OWCP to combine the current case record with File No. xxxxxx379 and determine whether he sustained either a

¹ Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance & Management*, Chapter 2.400.8(c) (February 2000).

² See Federal (FECA) Procedure Manual, Part 2 -- Claims, *Fact of Injury*, Chapter 2.1500(6)(a) (1995).

³ See *C.B.*, Docket No. 13-1091 (issued September 16, 2013) (remanding the case to OWCP to combine case files where the record revealed that appellant attributed a March 2, 2012 left foot injury to a previous April 12, 2004 employment injury). See also *M.Z.*, Docket No. 13-0414 (issued June 26, 2012) (remanding the case to OWCP to combine case files where it did not adequately explain why it adjudicated appellant's notice of recurrence of disability as a new injury given that she alleged that she experienced pain immediately upon returning to work rather than relating her condition to new work factors).

recurrence of disability of his January 7, 2012 employment injury. Following this and any further development deemed necessary, it shall issue a *de novo* decision on the merits.

IT IS HEREBY ORDERED THAT the January 2, 2014 decision of the Office of Workers' Compensation Programs is set aside and the case remanded for further action consistent with this order of the Board.

Issued: September 25, 2015
Washington, DC

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

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

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