



In a December 4, 2015 decision, OWCP denied appellant's occupational disease claim finding that he had not submitted medical evidence of a medical diagnosis in connection with his employment duties. Appellant requested an oral hearing from OWCP's Branch of Hearings and Review which was held on August 16, 2016. By decision dated September 29, 2016, OWCP's hearing representative affirmed OWCP's December 4, 2015 decision with modification.<sup>1</sup> She found that appellant had established a medical diagnosis. However, OWCP's hearing representative found that appellant had not established causal relationship between his injury and the specific condition for which compensation was claimed.

The Board has duly considered the matter and notes that the case is not in posture for decision. OWCP procedures provide for combining case files where correct adjudication depends on cross-referencing 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.<sup>2</sup> In the instant case, appellant asserted that he initially filed a recurrence of disability claim for the February 21, 2008 occupational disease injury, to which OWCP had assigned File No. xxxxxx396. He was then instructed to file an occupational disease claim and assigned File No. xxxxxx952. OWCP thereafter denied the claim.

The record reveals that appellant's previous February 21, 2008 occupational disease employment injury was assigned File No. xxxxxx396 and that the injury was to the same part of the body. The factual and medical evidence pertaining to appellant's February 21, 2008 employment injury in File No. xxxxxx396, however, is not contained in the case record. OWCP, failed to properly combine or request combination of the present case record with the record of the February 21, 2008 employment injury, which appellant asserted was the initial cause of his current conditions.<sup>3</sup>

The case will be remanded to OWCP to combine case file numbers xxxxxx396 and xxxxxx952 and determine whether appellant sustained a new occupational disease injury. Following this and such other development as deemed necessary, OWCP shall issue an appropriate merit decision on appellant's claim.

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<sup>1</sup> OWCP's hearing representative noted that appellant had a previously accepted claim for bilateral wrist tendinitis dated February 21, 2008. File No. xxxxxx396. He filed a claim for recurrence of this claim which was last denied on December 10, 2014. Appellant filed a claim for right shoulder injury in 2011 which OWCP accepted for disorders of the bursa and tendons of the right shoulder. File No. xxxxxx935. Appellant also filed a claim for recurrence of this condition which OWCP denied. OWCP suspended his compensation benefits under this claim number on June 2, 2016.

<sup>2</sup> *P.G.*, Docket No. 15-1806 (issued October 4, 2016); Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c) (February 2000).

**IT IS HEREBY ORDERED THAT** the September 29, 2016 decision of the Office of Workers' Compensation Programs is set aside and the case remanded to OWCP for further action consistent with this order of the Board.<sup>3</sup>

Issued: January 23, 2018  
Washington, DC

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

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

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<sup>3</sup> Colleen Duffy Kiko, Judge, participated in the preparation of this order, but was no longer a member of the Board effective December 11, 2017.