

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

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<b>L.C., Appellant</b>	)	
	)	
<b>and</b>	)	
	)	<b>Docket No. 17-1485</b>
<b>U.S. POSTAL SERVICE, POST OFFICE,</b>	)	<b>Issued: March 19, 2018</b>
<b>Fort Lauderdale, FL, Employer</b>	)	
_____	)	

*Appearances:*  
*Appellant, pro se*  
*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**ORDER REMANDING CASE**

Before:  
CHRISTOPHER J. GODFREY, Chief Judge  
PATRICIA H. FITZGERALD, Deputy Chief Judge  
ALEC J. KOROMILAS, Alternate Judge

On June 19, 2017<sup>1</sup> appellant filed an application for review of a December 21, 2016 decision of the Office of Workers' Compensation Programs (OWCP), under File No. xxxxxx744, in which OWCP denied appellant's claim for intermittent wage-loss compensation for the period December 3, 2005 to August 4, 2007.<sup>2</sup> The appeal was docketed as number 17-1485.

By decision dated December 21, 2016, OWCP noted that appellant had another claim for a traumatic work incident that occurred on October 3, 2006, File No. xxxxxx656.<sup>3</sup> In denying

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<sup>1</sup> Under the Board's *Rules of Procedure*, an appeal must be filed within 180 days from the date of issuance of an OWCP decision. An appeal is considered filed upon receipt by the Clerk of the Appellate Boards. See 20 C.F.R. § 501.3(e)-(f). One hundred and eighty days from December 21, 2016, the date of OWCP's last decision was June 19, 2017. Since using June 20, 2017, the date the appeal was received by the Clerk of the Appellate Boards would result in the loss of appeal rights, the date of the postmark is considered the date of filing. The date of the U.S. Postal Service postmark is June 19, 2017, rendering the appeal timely filed. See 20 C.F.R. § 501.3(f)(1).

<sup>2</sup> On May 11, 2007 appellant, a window clerk, filed an occupational disease claim for an emotional condition after a customer threatened bodily harm and harassed her over a period of time. OWCP accepted appellant's claim for major depression recurrent episode and post-traumatic stress disorder. On the claim, appellant noted filing a separate traumatic injury claim in October 2006 for harassment by the same postal customer.

<sup>3</sup> This claim was denied on November 22, 2006.

appellant's claim for intermittent compensation from December 3, 2005 to August 4, 2007 under claim number xxxxxx744, the claim presently before the Board, the claims examiner referenced a prior OWCP decision dated February 11, 2009. In this decision OWCP reviewed evidence from claim number xxxxxx656, and noted that appellant had filed a traumatic injury claim (Form CA-1) on October 3, 2006, alleging that she developed migraine headaches and panic attacks from harassment from a postal customer. On December 21, 2016, in File No. xxxxxx744, OWCP denied compensation after October 3, 2006 as being related to claim number xxxxxx656. It appears that both File Nos. xxxxxx744 and xxxxxx656 pertain to emotional condition claims relating to harassment by a postal customer and intermittent disability on and after October 3, 2006. The Board is unable to view claim number xxxxxx656 on the Integrated Federal Employees' Compensation System (IFECS).

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 xxxxxx744, pertains to an emotional condition claim in which OWCP denied appellant's claim for intermittent wage-loss compensation for the period December 3, 2005 to August 4, 2007. In the December 21, 2016 decision, OWCP referenced another claim for an emotional condition pertaining to alleged harassment by a postal customer occurring on October 3, 2006. OWCP decisions noted reviewing evidence from OWCP File No. xxxxxx656 in reaching a decision denying compensation after October 3, 2006 as being related to File No. xxxxxx656. However, as noted, File No. xxxxxx656 is not presently accessible by the Board. Pursuant to its procedures, OWCP has determined that cases should be combined where correct adjudication depends on cross-referencing between files.<sup>4</sup> For a full and fair adjudication, the Board must be able to review the contents of OWCP claim file numbers xxxxxx744 and xxxxxx656.

The case will be remanded to OWCP to combine these claim files. Following this and such other development as deemed necessary, OWCP shall issue an appropriate merit decision on the matter to preserve appellant's appeal rights.

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<sup>4</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c) (February 2000).

**IT IS HEREBY ORDERED THAT** the December 21, 2016 decision be set aside and the matter remanded to OWCP for further proceedings consistent with this order.

Issued: March 19, 2018  
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