

In a development letter dated December 29, 2017, OWCP advised appellant that additional factual and medical evidence was necessary to establish his claim. It afforded appellant 30 days to submit the necessary information.

By decision dated January 30, 2018, OWCP denied appellant's claim, finding that he had not established that he was in the performance of duty at the time of the alleged employment injury. It noted that appellant's work shift was from 7:00 a.m. to 4:30 p.m. and his injury occurred outside of the scope of employment at 6:00 p.m.

Appellant subsequently requested a hearing.

By decision dated August 24, 2018, OWCP's hearing representative affirmed the January 30, 2018 decision, finding that the evidence of record was insufficient to establish that appellant sustained an injury in the performance of duty because the incident occurred after his work shift had ended. He acknowledged appellant's February 9, 2014 Form CA-2a and that the recurrence claim was not administratively converted to a new injury claim, which may have been procedurally appropriate. The hearing representative requested OWCP administratively combine the current claim with OWCP File No. xxxxxx132.

On October 9, 2018 appellant requested reconsideration and submitted a September 5, 2018 narrative statement from J.J., a retired supervisory human resource specialist. J.J. verified that appellant had worked an alternate work schedule and supported his claim that he remained in the performance of duty when injured.

By decision dated March 8, 2019, OWCP denied modification of the August 24, 2018 decision.

The Board, having duly considered the matter, concludes that the case is not in posture for decision.

OWCP's procedures provide that cases should be combined 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. Here, appellant had a prior accepted claim for a traumatic injury to the right knee, for which he filed a recurrence claim under File No. xxxxxx132. While the hearing representative's August 24, 2018 decision instructed OWCP to double the current case with File No. xxxxxx132, the two claims are not combined as presented to the Board.

Appellant has received medical treatment and wage-loss compensation arising from his accepted recurrence claim under OWCP File No. xxxxxx132. To properly adjudicate his claim, as well as to avoid the possibility of duplicative payments of wage-loss compensation or medical benefits, the case will be remanded to OWCP to administratively combine case files xxxxxx132 and xxxxxx784. Following this and such other such further development as deemed necessary, OWCP shall issue a *de novo* decision.

IT IS HEREBY ORDERED THAT the March 8, 2019 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for proceedings consistent with this order of the Board.

Issued: April 2, 2020
Washington, DC

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

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

Patricia H. Fitzgerald, Alternate Judge
Employees' Compensation Appeals Board