

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

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<b>L.S., Appellant</b>	)	
	)	
<b>and</b>	)	<b>Docket No. 19-1086</b>
	)	<b>Issued: April 7, 2020</b>
<b>U.S. POSTAL SERVICE, PROCESSING &amp; DISTRIBUTION CENTER, Greensboro, NC,</b>	)	
<b>Employer</b>	)	
_____	)	

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

*Case Submitted on the Record*

**ORDER REMANDING CASE**

Before:  
ALEC J. KOROMILAS, Chief Judge  
PATRICIA H. FITZGERALD, Alternate Judge  
VALERIE D. EVANS-HARRELL, Alternate Judge

On April 15, 2019 appellant filed a timely appeal from a December 14, 2018 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 19-1086.

On November 1, 2018 appellant, then a 56-year-old mail handler, filed an occupational disease claim (Form CA-2) for a left ankle injury that she attributed to wear and tear from standing long hours on concrete floors. She noted that her original visit to her physician on September 18, 2017 was for a possible rupture of the Achilles tendon. Appellant has a previously accepted occupational disease claim for rupture of the left Achilles tendon, contracture of the left tendon sheath, left lateral epicondylitis, bilateral plantar fibromatosis, left cyst of bone, and other bilateral congenital deformities of the feet. OWCP assigned that claim OWCP File No. xxxxxx042.

By decision dated December 14, 2018, OWCP denied appellant's claim, finding that she had not established exposure to the claimed work factor(s) because she had not replied to the questionnaire contained in its November 9, 2018 development letter. It concluded, therefore, that the requirements has not been met to establish an injury as defined by FECA.

The Board has duly considered the matter and concludes that this case is not in posture for decision. OWCP's procedures provide that cases should be administratively combined when

correct adjudication of the issues depends on frequent cross-referencing between files.<sup>1</sup> 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, combining of the files is required.<sup>2</sup>

The present claim, File No. xxxxxx785 alleges a left ankle injury. OWCP previously accepted several left lower extremity conditions as work related under File No. xxxxxx042. File No. xxxxxx042, however, has not been administratively combined with the present file, and the present file does not contain prior relevant evidence contained in OWCP File No. xxxxxx042. As such, the Board is unable to review the prior factual and medical evidence relating to appellant's accepted conditions under OWCP File No. xxxxxx042, which relate to similar conditions and the same bodily member that is contested in the present claim.

For a full and fair adjudication, the case must be returned to OWCP to administratively combine the current case record, File No. xxxxxx785, with File No. xxxxxx042.<sup>3</sup> Following this and other such further development as it deems necessary, OWCP shall issue a *de novo* decision.

**IT IS HEREBY ORDERED THAT** the December 14, 2018 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further proceedings consistent with this order of the Board.

Issued: April 7, 2020  
Washington, DC

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

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

Valerie D. Evans-Harrell, Alternate Judge  
Employees' Compensation Appeals Board

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<sup>1</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c) (February 2000).

<sup>2</sup> *Id.*; *L.G.*, Docket No. 18-1676 (issued August 22, 2019); *D.L.*, Docket No. 17-1588 (issued January 28, 2019); *K.T.*, Docket No. 17-0432 (issued August 17, 2018).

<sup>3</sup> *K.T., id.*