



CA-2 appellant alleged that he developed bilateral carpal tunnel syndrome due to the above described employment duties. In the third Form CA-2 appellant alleged that he had developed bilateral torn rotator cuffs due to the above described employment duties.

By separate decisions each dated March 1, 2016, OWCP denied all three of appellant's occupational disease claims noting that he had not submitted evidence other than his claim forms in support of his claims. OWCP found in each of the three decisions that appellant had not established that the employment events occurred as alleged.

On March 1, 2017 appellant requested reconsideration of the three March 1, 2016 decisions and submitted a report dated February 20, 2017 from Dr. William C. Gannaway, a Board-certified internist.

By two separate decisions dated March 6, 2017, OWCP denied reconsideration of appellant's bilateral carpal tunnel and bilateral torn rotator cuff claims.

By decision dated April 10, 2017, OWCP reviewed the merits of appellant's claim for bilateral hip and knee conditions, but denied modification of the March 1, 2016 decision.

Appellant appealed the two March 6, 2017 non-merit decisions regarding bilateral rotator cuff tears in OWCP File No. xxxxxx376 and bilateral carpal tunnel syndrome in OWCP File No. xxxxxx369 as well as the April 10, 2017 merit decision regarding bilateral hip and knee arthritis in OWCP File No. xxxxxx370 to the Board. In its April 18, 2018 order, the Board directed OWCP to combine these three case files, conduct further development as deemed necessary, and issue a *de novo* merit decision on appellant's claims.

By decision dated June 12, 2018, OWCP denied appellant's occupational disease claims finding that the factual evidence of record did not establish that the implicated employment factors occurred as alleged.

On July 5, 2018 appellant, through counsel, requested an oral hearing before a representative of OWCP's Branch of Hearings and Review.

By decision dated January 18, 2019, the hearing representative affirmed with modification the June 12, 2018 OWCP decision finding that the implicated employment factors occurred as alleged. However, the hearing representative further found that the medical evidence of record was insufficient to establish causal relationship. (RD-1/18/19)

In the January 18, 2019 decision, OWCP's hearing representative discussed and relied on a series of documents from OWCP File No. xxxxxx513 including appellant's December 2014 statement; a position description; and diagnostic testing dated December 12, 2000, March 2, 2005, November 13, 2013, December 16, 2013, and January 14, 2015. The hearing representative also reviewed and discussed medical reports dated December 22, 2005, December 12, 2013, and December 19, 2013 from Dr. John J. Greco, a Board-certified orthopedic surgeon, a medical report dated October 2, 2008 from Dr. Michael W. Cantrell, a Board-certified orthopedic surgeon, a September 30, 2010 medical report from Dr. Gregory B. Miller, a chiropractor, and a March 13, 2012 report from Dr. Ray A. Fambrough, a Board-certified orthopedic surgeon. The record before

the Board on appeal does not contain these documents and, in light of OWCP's reliance on this evidence, the Board finds that the case is not in posture for decision.

OWCP's procedures provide that cases should be combined where a new injury claim is reported for an employee who previously filed an injury claim for the same part of the body and where correct adjudication depends on cross-referencing between files.<sup>3</sup> The Board therefore finds that for a full and fair adjudication, the claims in File Nos. xxxxxx667 and xxxxxx513 be administratively combined with File No. xxxxxx369. This will allow OWCP to consider all relevant claim files and accompanying evidence in developing the current occupational disease claims.<sup>4</sup>

Accordingly, the Board will set aside the January 18, 2019 decision and remand the case to OWCP to administratively combine File Nos. xxxxxx667 and xxxxxx513 with File No. xxxxxx369. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.

**IT IS HEREBY ORDERED THAT** the January 18, 2019 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.

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<sup>3</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c)(1) (February 2000); *L.P.*, Docket Nos. 18-1558, 18-1568 (issued June 21, 2019); *L.S.*, Docket Nos. 17-1863, 17-1867, 17-1868 (issued April 18, 2018); *W.S.*, Docket No. 15-0969 (issued October 5, 2015); *C.C.*, Docket No. 14-1576 (issued March 9, 2015).

<sup>4</sup> *Id.*

Issued: February 12, 2020  
Washington, DC

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

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

Janice B. Askin, Judge  
Employees' Compensation Appeals Board