

head on a metal pipe while executing a search warrant; that on August 1, 1994 he filed a traumatic injury claim, assigned by OWCP as File No. xxxxxx488, for hurting his back while moving a file cabinet in the office; that in September 1999, he filed a traumatic injury claim for back pain from executing a search warrant in May 1996²; that on March 6, 2009 he filed a traumatic injury claim, assigned by OWCP as File No. xxxxxx808, for upper extremity pain due to reaching into the back seat area while in a government vehicle; and that on October 4, 2012 he filed a traumatic injury claim, assigned by OWCP as File No. xxxxxx658, regarding back pain he developed from sitting in a government vehicle for an extended period of time.

By decision dated April 20, 2017, OWCP denied appellant's occupational disease claim in File No. xxxxxx122, finding that the medical evidence of record was insufficient to establish causal relationship between appellant's diagnosed conditions and the accepted factors of his federal employment.³

On May 19, 2017 appellant, through counsel, requested an oral hearing which was held on August 17, 2017.

By decision dated October 30, 2017, a hearing representative set aside the May 12, 2017 OWCP decision and remanded the case for further development of the medical record.

Following further development, by decision dated February 6, 2018, OWCP again denied appellant's occupational disease claim, finding that the medical evidence of record was insufficient to establish causal relationship between appellant's diagnosed conditions and his accepted factors of federal employment.

On February 13, 2018 appellant, through counsel, requested an oral hearing. By decision dated April 18, 2018, a hearing representative set aside and remanded the case for further development of the medical record. The hearing representative also instructed that on remand OWCP should administratively combine File Nos. xxxxxx122, xxxxxx658, and xxxxxx808.⁴

By decision dated August 14, 2018, OWCP denied appellant's occupational disease claim finding that the medical evidence of record was insufficient to establish causal relationship between his diagnosed conditions and the accepted factors of his federal employment.

On August 21, 2018 appellant, through counsel, requested an oral hearing which was held on January 15, 2019.

By decision dated March 25, 2019, a hearing representative affirmed the August 14, 2018 decision.

The Board, having duly considered the matter, finds that the case is not in posture for decision. OWCP's procedures provide that cases should be administratively combined when correct adjudication depends on cross-referencing between files and when two or more injuries

² The Board notes that no OWCP file could be located for this claim.

³ On May 12, 2017 OWCP reissued its April 20, 2017 decision, as it had not been mailed to appellant.

⁴ The case record as presented to the Board does not contain a combined case record.

occur to the same part of the body.⁵ As the claims in the following OWCP files all involve appellant's back and neck/upper extremities, OWCP File Nos. xxxxxx428, xxxxxx488, xxxxxx808, xxxxxx658, and xxxxxx122 must be administratively combined for a full and fair adjudication of appellant's present claim. This will allow OWCP to consider all relevant claim files and accompanying evidence in developing appellant's current occupational disease claim.

Accordingly, the Board will remand the case to OWCP to administratively combine the case records for OWCP File Nos. xxxxxx428, xxxxxx488, xxxxxx808, xxxxxx658, and xxxxxx122. Additional OWCP files involving appellant's back and neck/upper extremities, if any, should also be administratively combined with the aforementioned OWCP files. Following this and other such development as deemed necessary, OWCP shall issue a *de novo* merit decision.

IT IS HEREBY ORDERED THAT the March 25, 2019 decision of the Office of Workers' Compensation Programs is set aside and this case is remanded for further proceedings consistent with this order of the Board.

Issued: July 7, 2020
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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

⁵ Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c) (February 2000).