

<sup>2</sup> The notice of recurrence was originally filed under OWCP File No. xxxxxx348, which was a traumatic injury claim accepted for a sprain of the ligament of the lumbar spine. The recurrence claim was converted by OWCP to a claim for a new traumatic injury, assigned OWCP File No. xxxxxx469, which is the claim presently before the Board. Appellant's claims have not been administratively combined by OWCP.

had been on and off since he returned to full-duty work. Appellant stopped work on December 11, 2020 and returned to work on January 21, 2021.<sup>3</sup>

In a December 10, 2020 statement, appellant noted that he stayed at home from December 8 to 9, 2020 due to severe lower back spasms. He indicated that his spasms subsided when he returned to work on December 10, 2020. Appellant alleged that, while loading his truck, he felt a sharp, repeating pain in his lower spine. He asserted that his pain affected a different part of his back than previously.

In a December 29, 2020 development letter in the present claim, OWCP informed appellant that it was in receipt of his traumatic injury claim for a December 10, 2020 employment injury, and that additional medical evidence was required in support of his claim. It afforded him 30 days to submit the requested evidence.

In a December 11, 2020 medical report, Dr. Richard D. Scheinberg, a Board-certified orthopedic surgeon, noted that appellant had recurring back pain under OWCP File No. xxxxxx348. He indicated that when appellant returned to work, he worked 13 hours a day with a moderate amount of lifting, and experienced a sudden onset of severe pain and spasm in the left lumbar area. Dr. Scheinberg diagnosed a recurrent lumbar strain, likely myofascial in nature. In a work status note of even date, he placed appellant on light-duty work with restrictions of no lifting, bending, or stooping.

By decision dated February 1, 2021, OWCP denied appellant's traumatic injury claim, finding that the medical evidence of record was insufficient to establish a medical diagnosis in connection with his accepted December 10, 2020 employment incident. It concluded, therefore, that the requirements had not been met to establish an injury as defined under 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>4</sup> 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.<sup>5</sup> Herein, appellant has a previously accepted claim for a sprain of the ligament of the lumbar spine under OWCP File No. xxxxxx348. The present claim, OWCP File No. xxxxxx469, also pertains to the lumbar spine. The evidence pertaining to OWCP File No. xxxxxx348, however, is not part of the case record presently before the Board. For a full and fair adjudication, the case must be returned to OWCP to administratively combine the current case record with OWCP File No. xxxxxx348. Following

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<sup>3</sup> In an undated work status report (Form CA-3), the employing establishment informed OWCP that appellant had stopped work on December 11, 2020 and returned to work without any restrictions on January 21, 2021.

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

<sup>5</sup> *Id.*; *D.C.*, Docket No. 19-0100 (issued June 3, 2019); *N.M.*, Docket No. 18-0833 (issued April 18, 2019); *K.T.*, Docket No. 17-0432 (issued August 17, 2018).

this and such further development as OWCP deems necessary, it shall issue a *de novo* decision. Accordingly,

**IT IS HEREBY ORDERED THAT** the February 1, 2021 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: December 21, 2021  
Washington, DC

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

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

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