

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

M.W., Appellant	)	
	)	
and	)	Docket No. 20-1221
	)	Issued: July 6, 2021
U.S. POSTAL SERVICE, MERRIFIELD POST OFFICE, Merrifield, VA, Employer	)	
	)	

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

*Case Submitted on the Record*

**ORDER REMANDING CASE**

Before:  
ALEC J. KOROMILAS, Chief Judge  
JANICE B. ASKIN, Judge  
PATRICIA H. FITZGERALD, Alternate Judge

On May 12, 2020 appellant filed a timely appeal from a February 13, 2020 merit decision and a March 20, 2020 nonmerit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards docketed the appeal as Docket No. 20-1221.<sup>1</sup>

On September 25, 2018 appellant filed a traumatic injury claim (Form CA-1) alleging that on September 21, 2018 she injured her left wrist and arm when an employee intentionally kicked pallets into her. OWCP assigned the claim File No. xxxxxxxx181. On July 12, 2019 it accepted the claim for an unspecified sprain of the left wrist and a strain of unspecified muscles, fascia, and tendons at the left forearm level.

On November 29, 2019 appellant, then a 51-year-old mail handler, filed an unsigned occupational disease claim (Form CA-2) alleging that she sustained left wrist de Quervain's tenosynovitis due to factors of her federal employment. She stated that on September 21, 2018 she injured her left hand and wrist when she was assaulted by another employee. Appellant further

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<sup>1</sup> The Board notes that, following the March 20, 2020 decision, OWCP received additional evidence. However, the Board's *Rules of Procedure* provides: "The Board's review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal." 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this evidence for the first time on appeal. *Id.*

stated that she initially filled a notice of recurrence (Form CA-2a), which was the wrong claim form. On the reverse side of the claim form the employing establishment indicated that medical reports did not show that appellant was disabled from work. OWCP assigned the claim File No. xxxxxx496.

In a letter dated September 6, 2019, appellant indicated that, during the past 26 years, her employment duties have included loading and unloading trucks, emptying sacks, operating power equipment, and moving rolling stock. She stated that after the September 21, 2018 employment incident, she first returned to limited duty work with the restrictions of no pulling, lifting, or pushing, and then on December 26, 2018 she returned to her regularly assigned duties. Appellant related that her left wrist pain returned in June 2019 and she returned to limited duty and was provided with a handheld scanner. She contended that the repetitive and continuous nature of her job duties caused the left wrist condition she sustained on September 21, 2018 to worsen.

By decision dated February 13, 2020, OWCP denied appellant's occupational disease claim, finding that the evidence of record was insufficient to establish causal relationship between appellant's diagnosed left wrist condition and her accepted factors of federal employment.

On March 2, 2020 appellant requested reconsideration. By decision dated March 20, 2020, OWCP denied her request for reconsideration of the merits of her claim.

The Board finds that this 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 where two or more injuries occur to the same part of the body.<sup>2</sup> As the instant claim under OWCP File No. xxxxxx496 and the claim under OWCP File No. xxxxxx181 both involve injuries to appellant's left wrist, these claims must be administratively combined for a full and fair adjudication.<sup>3</sup> 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 OWCP File Nos. xxxxxx496 and xxxxxx181. Following this and such other such further development as deemed necessary, OWCP shall issue a *de novo* decision on appellant's occupational disease claim.

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

<sup>3</sup> *S.D.*, Docket No. 19-0590 (issued August 28, 2020).

**IT IS HEREBY ORDERED THAT** the February 13 and March 20, 2020 decisions of the Office of Workers' Compensation Programs are set aside and the case is remanded for further proceedings consistent with this order of the Board.

Issued: July 6, 2021  
Washington, DC

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

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

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