

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

_____)
K.B., Appellant)

and)

U.S. POSTAL SERVICE, HIGH POINT POST)
OFFICE, High Point, NC, Employer)
_____)

Docket No. 21-0594
Issued: November 9, 2021

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 March 1, 2021 appellant filed a timely appeal from a November 23, 2020 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards docketed the appeal as No. 21-0594.

On March 14, 2020 appellant, then a 68-year-old retired city letter carrier, filed an occupational disease claim (Form CA-2) alleging that factors of his federal employment required continuous and intermittent walking, climbing, standing, pushing, pulling, and carrying of the mail which caused or aggravated bilateral knee osteoarthritis. He stated that he first realized his condition was due to factors of his federal employment on December 9, 2019. OWCP assigned the claim OWCP File No. xxxxxx591.

In a supplemental statement, appellant explained that he had previously sustained work-related injuries to his knees: left knee OWCP File No. xxxxxx892 and right knee OWCP File No. xxxxxx131.

By decision dated May 1, 2020, OWCP accepted that appellant had established that the employment factors occurred, as alleged, but denied the claim as causal relationship had not been established between the diagnosed medical condition and the accepted employment factors. It concluded, therefore, that the requirements had not been met to establish an injury or medical condition causally related to the accepted employment factors.

On November 11, 2020 appellant requested reconsideration and submitted additional evidence. By decision dated November 23, 2020, OWCP denied modification of its May 1, 2020 decision.

The Board, having duly considered the matter, finds that this case is not in posture for decision.

OWCP's procedures provide that cases should be administratively combined when proper adjudication of the issues depends on frequent cross-referencing between case files.¹ 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.² In the present claim, appellant alleged injuries to both knees. OWCP previously accepted his claim for a left knee injury under OWCP File No. xxxxxx892 and a right knee injury under OWCP File No. xxxxxx131. However, the evidence pertaining to those files is not part of the case record presented before the Board. For a full and fair adjudication, the case shall be remanded to OWCP to administratively combine the current case record with OWCP File No. xxxxxx892 and OWCP File No. xxxxxx131, so it can consider all relevant claim files and accompanying evidence in adjudicating appellant's occupational disease claim. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision. Accordingly,

¹ Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8c (February 2000); *T.D.*, Docket No. 20-1119 (issued January 29, 2021); *R.R.*, Docket No. 19-0368 (issued November 26, 2019).

² *Id.*; *M.B.*, Docket No. 20-1175 (issued December 31, 2020); *L.M.*, Docket No. 19-1490 (issued January 29, 2020).

IT IS HEREBY ORDERED THAT the November 23, 2020 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: November 9, 2021
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