

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

_____)
D.B., Appellant)

and)

**DEPARTMENT OF THE ARMY, ABERDEEN)
PROVING GROUND, Aberdeen, MD, Employer**)
_____)

**Docket No. 21-0195
Issued: October 27, 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 November 16, 2020 appellant filed a timely appeal from a September 15, 2020 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Board's assigned Docket No. 21-0195.

In the September 15, 2020 decision, OWCP denied modification of its February 5 and October 15, 2019 decisions which denied appellant's May 24, 2016 traumatic injury claim (Form CA-1) for injuries to her left knee and back.

In its prior decisions, OWCP referenced appellant's April 20, 2016 occupational disease claim (Form CA-2) under OWCP File No. xxxxxx723, which also alleged back and left knee conditions. OWCP noted that the prior claim involved the back and left knee, and that the claim had been denied based on the medical evidence. It also noted that appellant indicated that she had initially filed an occupational disease claim because her employing establishment liaison advised her to do so, but she later understood that she should have filed a traumatic injury claim.

Having duly considered this matter, the Board finds that the case is not in posture for a decision. Under its procedures, OWCP has determined that cases should be administratively combined when correct adjudication of the issues depends on frequent cross-referencing between

files.¹ OWCP's procedures further provide for doubling of a claim when a new injury case is reported for an employee who previously filed a claim for a similar condition or the same part of the body.²

Therefore, for a full and fair adjudication, the case will be remanded to OWCP to administratively combine the present claim with File No. xxxxxx723. Following this and such other such further development as deemed necessary, OWCP shall issue a *de novo* decision regarding appellant's traumatic injury claim.

IT IS HEREBY ORDERED THAT the September 15, 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: October 27, 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

¹ Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c) (September 2011).

² *Id.* at Chapter 2.400.8(c)(1)-(2).