

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

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| B.P., Appellant |) | |
| |) | |
| and |) | Docket No. 21-0938 |
| |) | Issued: April 6, 2022 |
| U.S. POSTAL SERVICE, CLEVELAND |) | |
| PROCESSING & DISTRIBUTION CENTER, |) | |
| Cleveland, OH, 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
VALERIE D. EVANS-HARRELL, Alternate Judge

On June 8, 2021 appellant filed a timely appeal from a December 16, 2020 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 21-0938.

On August 27, 2020 appellant, then a 50-year-old supervisor of distribution operations, filed an occupational disease claim (Form CA-2) alleging that she developed a stress disorder due to factors of her federal employment, including harassment by her manager. She became aware of her condition and realized it was causally related to her federal employment on August 14, 2020.¹ Appellant stopped work on August 17, 2020.

¹ Appellant alleged: she had an exchange of words with T.W. regarding wearing a face mask while speaking with another employee on the work room floor; she noted multiple allegations of harassment by fellow employees and management including K.H., an employing establishment supervisor, E.G., and T.W. who allegedly intimidated her daily regarding her mail zones being late, mail being delayed, or automation machines sitting idle; appellant asserted that her health was threatened as she was a diabetic and would experience numbness and tingling in her feet and legs and would need to sit down, but was not permitted to do so; and she further alleged experiencing stress due to the denial of her April 2020 traumatic injury claim (Form CA-1) under OWCP File No. xxxxxx044.

By decision dated December 16, 2020, OWCP denied appellant's emotional condition claim, finding that the medical evidence of record was insufficient to establish that a medical condition arose during the course of employment and within the scope of compensable work factors. It found that there were no accepted events that were compensable factors of employment, and the evidence was not sufficient to establish she sustained an injury as alleged. In its decision, OWCP made multiple references to appellant's allegation of stress due to the denial of a prior April 2020 traumatic injury claim, OWCP File No. xxxxxx044, because appellant's manager did not perform her job properly.

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.² 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.³ In the present claim, appellant alleged an emotional condition due in part to the denial of her traumatic injury claim filed in April 2020, assigned OWCP File No. xxxxxx044. However, it has not administratively combined the present emotional condition claim with her previous traumatic injury claim.

For a full and fair adjudication of appellant's current claim, the case must be returned to OWCP to administratively combine the current case record with OWCP File Nos. xxxxxx044.⁴ Following this and other such further development as OWCP deems necessary, it shall issue a *de novo* decision.⁵

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

³ *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).

⁴ *Id.*

⁵ *R.G.*, Docket No. 19-1755 (issued July 7, 2020).

IT IS HEREBY ORDERED THAT the December 16, 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: April 6, 2022
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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