

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

A.C., Appellant)	
)	
and)	Docket Nos. 22-0695; 22-0696
)	Issued: December 16, 2022
DEPARTMENT OF STATE, BUREAU OF DIPLOMATIC SECURITY, Arlington, VA,)	
Employer)	
)	

Appearances: *Case Submitted on the Record*
Stephanie Leet, Esq., for the appellant
Office of Solicitor, for the Director

ORDER REMANDING CASE

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

On April 4, 2022 appellant, through counsel, filed a timely appeal from an October 8, 2021 merit decision of the Office of Workers' Compensation Programs (OWCP) under OWCP File No. xxxxxx966. The Clerk of the Appellate Boards assigned Docket No. 22-0695. On April 4, 2022 appellant, through counsel, also filed a timely appeal from a separate October 8, 2021 merit decision of OWCP under OWCP File No. xxxxxx198. The Clerk of the Appellate Boards assigned Docket No. 22-0696.

Under OWCP File No. xxxxxx966, on February 17, 2021 appellant, then a 37-year-old security administrator/senior watch officer, filed a traumatic injury claim (Form CA-1) alleging that on May 20, 2018 he sustained depression and aggravation of post-traumatic stress disorder (PTSD) due to witnessing an explosion near the employing establishment's base in Baghdad, Iraq, while in the performance of duty. He stopped work on the date of the claimed injury. On the

reverse side of the claim form, S.S., appellant's supervisor, acknowledged that the claimed injury occurred in the performance of duty.¹

On March 29, 2021 appellant filed a traumatic injury claim alleging that on May 20, 2018 he sustained depression and aggravation of PTSD due to being involuntarily detained at his workplace in Baghdad, Iraq, while in the performance of duty. On the reverse side of the claim form, appellant's supervisor, S.S., acknowledged that the claimed injury occurred in the performance of duty. OWCP assigned OWCP File No. xxxxxx198.

By decision dated April 8, 2021, OWCP denied appellant's emotional condition claim under OWCP File No. xxxxxx966, finding that he failed to establish a compensable employment factor. On April 15, 2021 appellant, requested a telephonic hearing before a representative of OWCP's Branch of Hearings and Review in connection with OWCP's April 8, 2021 decision.

By decision dated May 19, 2021, OWCP denied appellant's emotional condition claim under OWCP File No. xxxxxx198, finding that he failed to establish a compensable employment factor. On May 24, 2021 appellant, requested a telephonic hearing before a representative of OWCP's Branch of Hearings and Review in connection with OWCP's May 19, 2021 decision.

A hearing, held on August 4, 2021, concerned both OWCP File Nos. xxxxxx966 and xxxxxx198, as well as appellant's traumatic injury claim under OWCP File No. xxxxxx597.²

By decision dated October 8, 2021, OWCP's hearing representative affirmed the April 8, 2021 decision under OWCP File No. xxxxxx966.

By separate decision dated October 8, 2021, OWCP's hearing representative affirmed the May 19, 2021 decision under OWCP File No. xxxxxx198.

The Board has duly considered this matter and finds that the cases on appeal are not in posture for decision.

¹ Appellant had previously filed an occupational disease claim (Form CA-2) on February 9, 2021 alleging depression and aggravation of PTSD due to harassment. He noted that he first became aware of his conditions on October 8, 2009 and realized their relation to his federal employment on May 20, 2018. OWCP assigned that claim OWCP File No. xxxxxx968 and accepted it for a aggravation of PTSD, major depressive disorder, and somatic symptom disorder. On February 19, 2021 appellant filed a traumatic injury claim (Form CA-1) alleging that on May 19, 2018 he sustained depression and aggravation of PTSD due to a dog alert and a car bomb explosion while in the performance of duty. OWCP assigned that claim OWCP File No. xxxxxx597 and accepted it for a aggravation of PTSD, major depressive disorder, and somatic symptom disorder. Appellant's claims in OWCP File Nos. xxxxxx968 and xxxxxx597 have been administratively combined with the former serving as the master file. Appellant also has an occupational disease claim (Form CA-2) under OWCP File No. xxxxxx972, filed on February 15, 2021, alleging an emotional condition due to factors of his federal employment including responding to senior leadership emails, working long stressful hours doing sensitive work shifts with continuous overtime, and working a heavy workload in an understaffed and life-threatening environment. OWCP has not issued a decision in OWCP File No. xxxxxx972. Appellant's claims have not been administratively combined with the present claims.

² OWCP's hearing representative advised that the August 4, 2021 hearing would not concern appellant's occupational disease claims under OWCP File Nos. xxxxxx968 and xxxxxx972, which concerned alleged workplace harassment, long hours, and heavy workloads.

OWCP's procedures provide that cases should be administratively combined when correct adjudication depends on cross-referencing between files and when two or more injuries occur to the same part of the body.³ As appellant's claims under OWCP File Nos. xxxxxx966, xxxxxx198, xxxxxx597, xxxxxx968, and xxxxxx972 all allege emotional conditions, such as depression and aggravation of PTSD, these claims shall be administratively combined for a full and fair adjudication. This will allow OWCP to consider all relevant claim files and accompanying evidence in developing appellant's claims.⁴

Following this and other such further development as deemed necessary, OWCP shall issue *de novo* decisions regarding appellant's emotional condition claims in OWCP File Nos. xxxxxx966 and xxxxxx198.⁵

³ Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c)(1) (February 2000); *V.G.*, Docket No. 19-0670 (issued April 30, 2020); *L.P.*, Docket Nos. 18-1558, 18-1568 (issued June 21, 2019); *L.S.*, Docket Nos. 17-1863, 17-1867, 17-1868 (issued April 18, 2018); *W.S.*, Docket No. 15-0969 (issued October 5, 2015); *C.C.*, Docket No. 14-1576 (issued March 9, 2015).

⁴ *D.J.*, Docket No. 20-0997 (issued November 20, 2020); *S.D.*, Docket No. 19-0590 (issued August 28, 2020).

⁵ Upon return of the case record, OWCP shall also review the evidence in all of these claim files to determine whether or not any of them constitute a duplicate claim. This will allow OWCP to avoid piecemeal adjudication of the issues in these cases and raise the possibility of inconsistent results. It is the Board's policy to avoid such an outcome. *See M.S.*, Docket No. 13-1024 (issued January 14, 2014); *William T. McCracken*, 33 ECAB 1197 (1982).

ORDER

IT IS HEREBY ORDERED THAT the October 8, 2021 decisions of the Office of Workers' Compensation Programs are set aside, and the cases are remanded to OWCP for further proceedings consistent with this order of the Board.

Issued: December 16, 2022
Washington, DC

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

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board