United States Department of Labor Employees' Compensation Appeals Board

K.G., Appellant	-))
u.S. POSTAL SERVICE, ALBUQUERQUE PROCESSING & DISTRIBUTION CENTER, Albuquerque, NM, Employer	Docket No. 21-0068 Issued: July 29, 2022)))
Appearances: Appellant, pro se Office of Solicitor, for the Director	Case Submitted on the Reco

ORDER REMANDING CASE

Before:

ALEC J. KOROMILAS, Chief Judge PATRICIA H. FITZGERALD, Deputy Chief Judge JAMES D. McGINLEY, Alternate Judge

On October 22, 2020 appellant filed a timely appeal from an August 26, 2020 nonmerit decision of the Office of Workers' Compensation Programs (OWCP) under OWCP File No. xxxxxx667. The Clerk of the Appellate Boards assigned the appeal Docket No. 21-0068.

On December 24, 2019 appellant, then a 46-year-old mail processing clerk, filed an occupational disease claim (Form CA-2) alleging that he developed a bulging disc in his lumbar spine due to factors of his federal employment. He noted that he first became aware of his condition and realized its relation to his federal employment on August 1, 2013. Appellant did not stop work.

¹ Appellant filed three additional occupational disease claims arising from the same factors of his federal employment under OWCP File No. xxxxxx171 for a June 1, 2013 right shoulder injury; under OWCP File No. xxxxxxx663 for a September 27, 2013 neck injury; and under OWCP File No. xxxxxxx172 for a January 1, 2014 bilateral carpal tunnel syndrome. OWCP has a dministratively combined appellant's claims, with OWCP File No. xxxxxxx171 designated as the master file. OWCP has also previously accepted an October 21, 2016 traumatic injury claim for neck and lumbar sprains under OWCP File No. xxxxxxx319. OWCP has not administratively combined xxxxxxx319 with the present claim.

By decision dated February 10, 2020, OWCP denied appellant's claim, finding that the medical evidence of record was insufficient to establish causal relationship between his low back conditions and the accepted factors of his federal employment. Consequently, it found that appellant had not met the requirements to establish an injury as defined by FECA.

On August 12, 2020 appellant requested reconsideration of OWCP's February 10, 2020 decision.

By decision dated August 26, 2020, OWCP denied appellant's request for reconsideration of the merits of his claim.

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

OWCP previously accepted that appellant sustained traumatic injuries to his low back and neck due to an October 21, 2016 motor vehicle accident under OWCP File No. xxxxxx319. In the present claim, appellant alleged injuries to his low back due to factors of his federal employment since 2013.

Under its procedures, OWCP has determined that cases should be combined where a new injury case is reported for an employee who previously filed an injury claim for the same part of the body and where correct adjudication depends on cross-referencing between files.² This will allow OWCP to consider all relevant claim files in developing this occupational disease claim.³

Accordingly, for full and fair adjudication of the present claim, this case shall be remanded for OWCP to administratively combine File No. xxxxxx319 with the claims under OWCP Master File No. xxxxxx171. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.⁴

² *Id.*; *W.W.*, Docket No. 19-0884 (issued June 16, 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).

 $^{^{3}}$ Id.

 $^{^4}$ *M.B.*, Docket No. 20-0770 (issued January 5, 2021); *R.G.*, Docket No. 19-1755 (issued July 7, 2020); *L.M.*, Docket No. 19-1490 (issued January 29, 2020).

IT IS HEREBY ORDERED THAT the August 26, 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: July 29, 2022 Washington, DC

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

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

James D. McGinley, Alternate Judge Employees' Compensation Appeals Board