

By decision dated November 26, 2019, OWCP denied appellant's claim, finding that the factors of her federal employment had not been established. It noted that appellant had been working under limited-duty work restrictions since May 3, 2017 under OWCP File No. xxxxxx627 that "prohibited [her] from performing the tasks [she] claimed caused this injury." OWCP concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

On December 13, 2019 appellant requested reconsideration. By decision dated January 14, 2020, OWCP denied modification of its November 26, 2019 decision.

On January 27, 2020 appellant requested reconsideration. By decision dated April 16, 2020, OWCP denied modification of its January 14, 2020 decision.

On January 12, 2021 appellant requested reconsideration. By decision dated February 12, 2021, OWCP denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

On September 20, 2021 appellant requested reconsideration. By decision dated September 23, 2021, OWCP denied appellant's reconsideration request, finding that it was untimely filed and failed to demonstrate clear evidence of error.

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 Herein, appellant had a prior traumatic injury claim for left upper extremity, bilateral shoulder, and cervical spine conditions, assigned OWCP File No. xxxxxx627. She subsequently filed an occupational disease claim for the same regions of the body on August 21, 2019, assigned OWCP File No. xxxxxx748, which is the claim presently before the Board. Additionally, OWCP referenced OWCP File No. xxxxxx627 in its denials of the claim before the Board.

For a full and fair adjudication, the case must be returned to OWCP to administratively combine the current case record, OWCP File No. xxxxxx748, with OWCP File No. xxxxxx627, so it can review all appellant's relevant claim files in determining whether appellant has submitted sufficient evidence to demonstrate clear evidence of error. Following this and such further development as OWCP deems necessary, it shall issue an appropriate decision. Accordingly,

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

³ *Id.*; *S.G.*, Docket No. 21-0396 (issued September 27, 2021); *R.L.*, Docket No. 20-0901 (issued July 27, 2021); *M.E.*, Docket No. 21-0094 (issued May 27, 2021); *L.M.*, Docket No. 19-1490 (issued January 29, 2020); *L.H.*, Docket No. 18-1777 (issued July 2, 2019).

IT IS HEREBY ORDERED THAT the September 23, 2021 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 22, 2022
Washington, DC

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

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

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