

¹ In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on an appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

assigned the claim OWCP File No. xxxxxx436.² By decision dated June 29, 2021, it denied appellant's claim finding that the medical evidence of record was insufficient to establish a causal relationship between his diagnosed conditions and the accepted employment incident.

On September 25, 2019 appellant subsequently filed a new Form CA-1 alleging that on September 16, 2019 he twisted and injured his hips when he repositioned himself from the passenger seat to the driver's seat of an employing establishment vehicle while in the performance of duty. OWCP assigned the claim OWCP File No. xxxxxx721. By decision dated November 15, 2019, it denied the claim finding that the evidence of record was insufficient to establish a diagnosed medical condition in connection to the accepted employment incident. OWCP, therefore, concluded that the requirements had not been met to establish an injury as defined by FECA. By decision dated January 24, 2020, it affirmed the November 15, 2019 decision, as modified, finding that the medical evidence of record was insufficient to establish causal relationship between the accepted employment incident and the diagnosed condition. By decision dated June 25, 2020, OWCP denied modification of the January 24, 2020 decision. Appellant's claims have not been administratively combined.

The Board has duly considered the matter and concludes that these cases are 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.³ 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.⁴ Under OWCP File No. xxxxxx436, appellant alleged injuries to his left hip and lower back. He previously filed a claim for a lower back injury under OWCP File No. xxxxxx417, which OWCP allowed for limited payment of medical expenses, and subsequently filed a claim for a bilateral hip injury under File No. xxxxxx721. For a full and fair adjudication of appellant's current claim, the cases must be returned to OWCP to administratively combine appellant's claims under File Nos. xxxxxx436, xxxxxx417, and xxxxxx721, because they concern the same parts of the body. This will allow OWCP to consider all relevant claim files in adjudicating appellant's claims.⁵ Following this and other such further development as OWCP deems necessary, it shall issue a *de novo* decision in each of appellant's claims.

² Under OWCP File No. xxxxxx417, appellant previously filed a Form CA-1 alleging that on February 22, 2016 he injured his right-side lower back and hip/leg as a result of lifting subjects' baggage onto a table to inspect while in the performance of duty. OWCP allowed payment of limited medical expenses without formal adjudication.

³ Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c) (February 2000).

⁴ *Id.*; see also *M.E., Order Remanding Case*, Docket No. 21-0094 (issued May 27, 2021); *L.M., Order Remanding Case*, Docket No. 19-1490 (issued January 29, 2020).

⁵ See *C.W., Order Remanding Case*, Docket Nos. 18-1764 and 19-0709 (issued August 27, 2020); *P.G., Order Remanding Case*, Docket No. 17-1461 (issued February 7, 2019).

IT IS HEREBY ORDERED THAT the June 29, 2020 and June 25, 2021 decisions of the Office of Workers' Compensation Programs are set aside, and the cases are remanded for further proceedings consistent with this order of the Board.

Issued: June 9, 2022
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

A handwritten signature in cursive script, appearing to read "J. D. McGinley".

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