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L.F., Appellant)	
)	
and)	Docket No. 21-0445
)	Issued: June 1, 2022
U.S. POSTAL SERVICE, POST OFFICE,)	
North Metro, GA, Employer)	
)	

Case Submitted on the Record

Office of Solicitor, for the Director

Before:
ALEC J. KOROMILAS, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

On October 24, 2012 appellant, then a 44-year-old clerk, filed a traumatic injury claim (Form CA-1) alleging that on October 19, 2012 she injured her left shoulder when lifting a 52-pound sack of mail onto the scale while in the performance of duty. She stopped work on October 20, 2012 and returned to modified-duty work on October 24, 2012. OWCP accepted the

² The Board notes that following the August 7, 2020 decision, OWCP received additional evidence. However, the Board's *Rules of Procedure* provides: "The Board's review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal." 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this additional evidence for the first time on appeal. *Id.*

claim for left shoulder sprain and expanded the acceptance of the claim to include sprain of the upper arm and calcifying tendinitis of the right shoulder under OWCP File No. xxxxxx784.

Appellant stopped work again on January 14, 2013 and on August 7 and November 25, 2013 she accepted a modified assignment as a mail processing clerk, pushing, pulling, and lifting up to 20 pounds.

On May 9, 2014 appellant filed a claim for compensation (Form CA-7) beginning April 7, 2014 for disability causally related to the accepted October 19, 2012 employment injury. On the accompanying time analysis form (Form CA-7a), the employing establishment indicated that appellant was unable to perform duties.

In a May 23, 2014 development letter, OWCP requested additional medical evidence supporting total disability beginning April 7, 2014. No response was received.

By decision dated July 23, 2014, OWCP denied appellant's claim for disability for the period April 7 through May 3, 2014.

In an August 14, 2014 development letter, OWCP noted that in addition to the bilateral shoulder conditions accepted as resulting from the accepted October 19, 2012 incident, appellant had other accepted and open claims for a left shoulder condition OWCP File No. xxxxxx073, a lumbar strain under OWCP File No. xxxxxx120, and bilateral tenosynovitis of the feet under OWCP File Nos. xxxxxx590 and xxxxxx974. It requested additional medical evidence in support of her claim for disability and afforded her 30 days to respond.

Appellant subsequently requested reconsideration of the July 23, 2014 decision on August 6 and November 19, 2014.

By decisions dated October 27, 2014 and January 5, 2015, OWCP denied modification of its July 23, 2014 decision. Appellant appealed the January 5, 2015 decision to the Board, and in its August 12, 2015 decision, the Board affirmed, finding that she had not established that she was totally disabled from work commencing April 7, 2014 due to her accepted employment-related injuries.³

Appellant requested reconsideration on December 28, 2015, February 7, 2017, June 12, 2018 and OWCP denied modification of its prior decisions on February 3, 2016, May 8, 2017, and July 12, 2018, respectively. She appealed the July 12, 2018 decision to the Board, and in its October 24, 2019 decision,⁴ the Board found the case not in posture for decision, set aside the July 12, 2018 decision, and remanded the case for OWCP to undertake further development.

By decision dated February 20, 2020, OWCP denied appellant's claimed recurrence of disability for the period from April 7 through September 20, 2014. On March 18, 2020 appellant requested an oral hearing before a representative of OWCP's Branch of Hearings and Review, which was held on July 1, 2020.

³ Docket No. 15-1069 (issued August 12, 2015).

⁴ Docket No. 19-0519 (issued October 24, 2019).

By decision dated August 7, 2020, the hearing representative found that appellant had not established a recurrence of disability beginning April 7 2014 causally related to her accepted October 19, 2012 employment injuries.

The Board, having duly considered the matter, finds that this case is not in posture for decision. OWCP's procedures provide that cases should be administratively combined when correct adjudication depends on frequent cross-referencing between files. 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. Herein, appellant's prior claim under OWCP File No. xxxxxx073 also involves an injury to her left shoulder. For a full and fair adjudication, the case must be returned to OWCP to administratively combine the current case record under OWCP File No. xxxxxx784 with OWCP File No. xxxxxx073. This will allow OWCP to consider all relevant claim files and accompanying evidence in developing appellant's current recurrence claim. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.

IT IS HEREBY ORDERED THAT the August 7, 2020 decision of Office of Workers' Compensation Programs is set aside and this case is remanded for further proceedings consistent with this order of the Board.

Issued: June 1, 2022
Washington, DC

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

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

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