



became aware of her condition on August 20, 2020 and that it was related to her federal employment on October 5, 2020. OWCP assigned this claim OWCP File No. xxxxxx388.

Appellant had previously filed a Form CA-1 on December 30, 2019 alleging that on December 26, 2019 she sustained a sprain of a ligament of left ankle when her leg became tangled in an oxygen tube. OWCP assigned this claim OWCP File No. xxxxxx975.

In a development letter dated December 8, 2020, in the instant claim, OWCP File No. xxxxxx388, OWCP informed appellant of the deficiencies of her claim. It advised her regarding the type of medical evidence necessary to establish her claim and provided 30 days for her to submit the requested evidence.

In response, appellant submitted a report dated October 12, 2020, from Dr. Scott Newcomb, a podiatrist. She had informed him that she rolled her foot, tripped and fell on the sidewalk on October 5, 2020 in California. Dr. Newcomb also related that appellant placed a lot of pressure on her right foot and may have developed tarsal tunnel syndrome. He diagnosed her with left foot pain, contusion of left foot, and closed nondisplaced fracture of fifth metatarsal bone of left foot.

OWCP received reports dated September 17, October 15 and 30, and November 12, 2020, from Dr. Jennifer Seifert, a podiatrist. Dr. Seifert stated that appellant related that her left foot symptoms began following an employment injury that occurred on December 26, 2019. Appellant also related that she sustained a fall on October 5, 2020 when she tripped and fell on the sidewalk in California. She attributed the fall to the weakness in her left foot and ankle from the December 2019 work incident. Dr. Seifert diagnosed appellant with closed nondisplaced fracture of fifth metatarsal bone, left foot and tarsal tunnel syndrome, right side.

By letter dated December 10, 2020, the employing establishment controverted appellant's current claim indicating that her previous left ankle claim had been denied. The employing establishment also noted that she had traveled to California and injured her right ankle while she was off work.

In a work capacity evaluation form (OWCP-5c) dated December 16, 2020, Dr. Seifert diagnosed appellant with peroneal tendonitis, left leg, and stated that appellant was unable to perform her work duties.

On December 31, 2020 appellant submitted a narrative statement in response to OWCP's development letter. She alleged that her federal employment required her to physically lift, stand, walk stretch, sit, and push and pull. Appellant also explained that she was injured at work on December 26, 2019 and was diagnosed with a left acute ankle sprain and tendonitis. She attested that she returned to work prematurely after this injury which caused stress and strain to her right foot. Appellant noted that, on October 5, 2020 while visiting her family in California, she fell and sustained an injury to her left ankle. She indicated that she had been out of work since August 21, 2020.

In a note dated January 14, 2020, Dr. Seifert related a diagnosis of left foot closed nondisplaced fracture of the fifth metatarsal bone. She also indicated that appellant could not return to work.

In a letter dated February 1, 2021, Dr. Seifert related that appellant sustained an injury to her left foot while at work in December 2019. She then sought treatment for appellant's right foot pain due to overcompensation in September 2020. Appellant subsequently sustained a left foot metatarsal fracture that was initially evaluated by another physician on October 12, 2020. Dr. Seifert diagnosed appellant with right foot plantar fasciitis and tarsal tunnel syndrome and opined with a reasonable degree of medical certainty that all treatment the patient received had been related to her initial injury which occurred in December 2019.

In a note dated February 11, 2021, Dr. Seifert diagnosed closed nondisplaced fracture of fifth metatarsal bone of left foot, plantar fasciitis, right foot, peroneal tendinitis, left leg, and tarsal tunnel syndrome of right side. She also related that appellant was unable to return to work.

By decision dated March 2, 2021, OWCP denied appellant's claim as causal relationship was not established between the diagnosed medical conditions and the accepted employment factors. It concluded, therefore, that the requirements had not been met to establish an injury or medical condition causally related to the accepted employment factors.

On March 31, 2021 appellant, through counsel, timely requested a telephonic hearing before a representative of OWCP's Branch of Hearings and Review, which was held on July 7, 2021. At the telephonic hearing, appellant contended that she initially injured her left foot which altered her gait and subsequently caused her further injury to her right foot. She asserted that Dr. Seifert submitted the requisite narrative medical report.

In a note dated May 13, 2021, Dr. Seifert related that appellant could return to modified work, withstanding and walking limited to 20 minutes at a time.

By decision dated August 24, 2021, OWCP denied modification of its March 2, 2021, decision.

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 depend on frequent cross-referencing between the files.<sup>2</sup> 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.<sup>3</sup> Herein, appellant filed a sprain of a ligament of left ankle assigned OWCP File No. xxxxxx975 on December 30, 2019. The evidence pertaining to OWCP File No. xxxxxx388, however, is not part of the case record presently before the Board.

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

<sup>3</sup> *Id.*; *D.C.*, Docket No. 19-0100 (issued June 3, 2019); *N.M.*, Docket No. 18-0833 (issued April 18, 2019); *K.T.*, Docket No. 17-0432 (issued August 17, 2018).

For a full and fair adjudication, the case must be returned to OWCP to administratively combine the current case record with OWCP File No. xxxxxx975. Following this and such further development as OWCP deems necessary, it shall issue a *de novo* decision. Accordingly,

**IT IS HEREBY ORDERED THAT** the August 24, 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: June 8, 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