

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.

strain, pain, and burning in his lower back with sciatic pain in the left leg, foot, and toes.² Appellant stopped work on May 11, 2017.

By decision dated July 7, 2017, OWCP denied appellant's traumatic injury claim, finding that the medical evidence of record was insufficient to establish causal relationship between his diagnosed medical conditions and the accepted May 10, 2017 employment incident.

On April 24, 2018 appellant requested reconsideration and submitted additional evidence. By decision dated July 20, 2018, OWCP denied modification.

Appellant requested reconsideration on July 19, 2019. By decision dated October 11, 2019, OWCP denied modification.

On September 5, 2020 appellant requested reconsideration. By decision dated December 4, 2020, OWCP denied modification of its prior decision.

On November 5, 2021 appellant requested reconsideration of OWCP's December 4, 2020 decision and by decision dated November 10, 2021 it denied modification.

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.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 Herein, appellant's claim under OWCP File No. xxxxxx650 also involved an injury to his lower back, which is at issue in the present claim under OWCP File No. xxxxxx310. For a full and fair adjudication, this case must be returned to OWCP to administratively combine the current case record with OWCP File No. xxxxxx650, so it can consider all relevant claim files and accompanying evidence in adjudicating his current traumatic injury claim.⁵

Following this and other such further development as OWCP deems necessary, it shall issue a *de novo* decision.

² OWCP assigned this claim OWCP File No. xxxxxx310. Appellant has a previously accepted August 31, 2010 traumatic injury claim for lumbosacral neuritis or radiculitis under OWCP File No. xxxxxx650. His claims have not been administratively combined by OWCP.

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

⁴ *Id.*; *M.L.*, Docket No. 20-1176 (issued April 29, 2021); *L.M.*, Docket No. 19-1490 (issued January 29, 2020); *L.H.*, Docket No 18-1777 (issued July 2, 2019).

⁵ *Supra* note 3 at Chapter 2.400.8(c)(1); *W.D.*, Docket No. 19-0961 (issued March 31, 2021); *L.P.*, Docket Nos. 18-1558, 18-1568 (issued June 21, 2019).

IT IS HEREBY ORDERED THAT the November 10, 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 28, 2022
Washington, DC

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

Valerie D. Evans-Harrell, Alternate 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