

**United States Department of Labor  
Employees' Compensation Appeals Board**

D.P., Appellant	)	
	)	
and	)	<b>Docket No. 21-0970 &amp; Docket No. 21-0972</b>
	)	<b>Issued: March 3, 2022</b>
<b>U.S. POSTAL SERVICE, ROCHESTER PROCESSING &amp; DISTRIBUTION CENTER, Rochester, NY, Employer</b>	)	
	)	

*Appearances:*  
*Appellant, pro se*  
*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**ORDER REMANDING CASE**

Before:  
JANICE B. ASKIN, Judge  
PATRICIA H. FITZGERALD, Alternate Judge  
VALERIE D. EVANS-HARRELL, Alternate Judge

On January 3, 2021 appellant also filed a timely appeal from a November 24, 2020 merit decision of the Office of Workers' Compensation Programs (OWCP) under OWCP File No. xxxxxx550. The Clerk of the Appellate Boards docketed the appeal as No. 21-0972. On June 10, 2021 appellant filed a timely appeal from a December 29, 2020 merit decision of OWCP under OWCP File No. xxxxxx896. The Clerk of the Appellate Boards docketed that appeal as No. 21-0970.

With regard to OWCP File No. xxxxxx550, on October 27, 2007 appellant, then a 45-year-old mail processor, filed an occupational disease claim (Form CA-2) alleging that she developed neck, shoulder, and wrist conditions due to factors of her federal employment, including lifting trays, pushing containers, and moving mail. She noted that she first became aware of her condition and its relation to her federal employment on October 27, 2007. OWCP accepted the claim for right biceps strain and sprain of the shoulder and upper arm. On November 12, 2008 OWCP expanded the acceptance of appellant's claim to include right lateral epicondylitis, lesion of the left ulnar nerve, and bilateral carpal tunnel syndrome.

With regard to OWCP File No. xxxxxx896, on January 3, 2017 appellant, then a 54-year-old mail processor, filed an occupational disease claim (Form CA-2) alleging that she developed

a left wrist condition due to factors of her federal employment, including repetitive fixing and bagging of the mail. On April 5, 2017 OWCP accepted the claim for left radial styloid tenosynovitis (de Quervain's) under OWCP File No. xxxxxx896.

On June 1, 2020 appellant filed claims for compensation (Form CA-7) for a schedule award under both OWCP File Nos. xxxxxx896 and xxxxxx550. By decision dated November 24, 2020, under OWCP File No. xxxxxx550, OWCP granted appellant a schedule award for seven percent permanent impairment of her right upper extremity and nine percent permanent impairment of her left upper extremity. The award ran for 47.76 weeks during the period September 14, 2020 to August 14, 2021. By decision dated December 29, 2020, under OWCP File No. xxxxxx896, OWCP denied appellant's schedule award claim, finding that the evidence of record was insufficient to establish permanent impairment of a scheduled member or function of the body.

The Board has duly considered the matter and finds that these cases are not in posture for decision.

Under its procedures, OWCP has determined that cases should be administratively combined where a new injury case is reported for an employee who previously filed an injury claim for the same part of the body and where correct adjudication depends on frequent cross-referencing between files.<sup>1</sup> This will allow OWCP to consider all relevant claim files in developing these schedule award claims.<sup>2</sup>

Appellant has claimed schedule awards in two claims, both accepted for injuries to her left upper extremity. Therefore, for full and fair adjudication, the cases must be remanded to OWCP to administratively combine OWCP File Nos. xxxxxx896 and xxxxxx550.<sup>3</sup> Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision on appellant's schedule award claims.

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<sup>1</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c) (February 2000).

<sup>2</sup> *Id.* at Chapter 2.400.8(c)(1); *E.J.*, Docket No. 20-1556 (issued July 27, 2021); *V.G.*, Docket No. 19-0670 (issued April 30, 2020); *L.P.*, Docket Nos. 18-1558, 18-1568 (issued June 21, 2019); *L.S.*, Docket Nos. 17-1863, 17-1867, 17-1868 (issued April 18, 2018); *W.S.*, Docket No. 15-0969 (issued October 5, 2015); *C.C.*, Docket No. 14-1576 (issued March 9, 2015).

<sup>3</sup> *Id.*

**IT IS HEREBY ORDERED THAT** the November 24 and December 29, 2020 decisions of the Office of Workers' Compensation Programs under OWCP File Nos. xxxxxx550 and xxxxxx896 are set aside and the cases are remanded to OWCP for further proceedings consistent with this order of the Board.

Issued: March 3, 2022  
Washington, DC

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Alternate Judge  
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge  
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