

impairment of the right lower extremity and 0 percent permanent impairment of the left lower extremity. The period of the award ran for 77.76 weeks from August 20, 2013 through February 15, 2015.

On June 10, 2021, under OWCP File No. xxxxxx530, appellant filed a claim for compensation (Form CA-7) for a schedule award for additional permanent impairment of the lower extremities.

On July 9, 2021 OWCP requested that OWCP's district medical adviser (DMA) review the record and a statement of accepted facts (SOAF), which referenced that appellant had been previously awarded compensation for 27 percent permanent impairment of the right lower extremity and 0 percent permanent impairment of the left lower extremity under OWCP File No. xxxxxx444. Dr. Michael M. Katz, a Board-certified orthopedic surgeon serving as OWCP's DMA, submitted a July 12, 2021 impairment rating for an additional three percent permanent impairment of the right upper extremity. He referenced medical evidence under OWCP File No. xxxxxx444.

By decision dated August 13, 2021, under OWCP File No. xxxxxx530, OWCP granted appellant a schedule award for an additional three percent permanent impairment of the right lower extremity. The period of the award ran for 8.64 weeks from April 26 through June 25, 2021.

On August 27, 2021 appellant requested a telephonic hearing before a representative of OWCP's Branch of Hearings and Review, which was held on December 9, 2021.

By decision dated February 16, 2022, OWCP's hearing representative affirmed the August 13, 2021 decision. He referenced appellant's prior claim in OWCP File No. xxxxxx444 and summarized medical evidence found in that case record. The hearing representative directed that OWCP administratively combine OWCP File No. xxxxxx530 with OWCP File No. xxxxxx444 to prevent an inadvertent overlap in awards and to facilitate a clearer understanding of the total impairment going forward.

The Board has duly considered the matter and finds 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.¹ 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.² Herein, appellant has a previously accepted claim for sciatica and a herniated L4-5 disc under OWCP File No. xxxxxx444. The present claim, OWCP File No. xxxxxx530, also pertains to accepted right-sided sciatica. Appellant's claims, however, have not been administratively combined by OWCP. For a full and

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

² *Id.*; *Order Remanding Case, A.J.*, Docket No. 21-1410 (issued May 10, 2022); *R.H.*, Docket No. 21-0575 (issued December 21, 2021); *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).

fair adjudication, the case must be returned to OWCP to administratively combine the current case record with OWCP File No. xxxxxx444. Following this and such other further development as OWCP deems necessary, it shall issue a *de novo* decision. Accordingly,

IT IS HEREBY ORDERED THAT the February 16, 2022 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: October 26, 2022
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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