

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

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**R.G., Appellant** )

**and** )

**U.S. POSTAL SERVICE, POST OFFICE,** )  
**Kearny, NJ, Employer** )  
\_\_\_\_\_ )

**Docket No. 21-0006**  
**Issued: September 23, 2022**

*Appearances:*

*Michael D. Overman, Esq., for the appellant*<sup>1</sup>  
*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**ORDER REMANDING CASE**

Before:

ALEC J. KOROMILAS, Chief Judge  
PATRICIA H. FITZGERALD, Deputy Chief Judge  
JANICE B. ASKIN, Judge

On October 2, 2020 appellant, through counsel, filed a timely appeal from a May 26, 2020 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 21-0006.

On March 21, 2008 appellant, then a 46-year-old letter carrier, filed an occupational disease claim (Form CA-2) alleging that she had sustained cervical cord compression at C5 and C6 and carpal tunnel syndrome causally related to factors of her federal employment. She noted that she first became aware of her condition on February 12, 2008 and realized its relation to her federal employment on March 4, 2008. OWCP assigned the claim OWCP File No. xxxxxx741 and accepted it for bilateral carpal tunnel syndrome. Appellant returned to full-time limited-duty work on October 27, 2009. On June 23, 2010 she underwent an OWCP-authorized right carpal

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<sup>1</sup> 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.

tunnel release. OWCP paid appellant wage-loss compensation on the supplemental rolls from June 28, 2010 through January 7, 2011, when she returned to work.

On October 4, 2017 appellant filed a claim for a schedule award (Form CA-7).

On April 6, 2018 appellant filed a claim for traumatic injury (Form CA-1), alleging that on that date she sustained right arm and knee injuries when a cluster box she was opening fell from of the wall. OWCP assigned that claim OWCP File No. xxxxxx525 and accepted it for strain of the fascia and tendon of the right upper arm and shoulder.

On May 8, 2018 OWCP administratively combined OWCP File No. xxxxxx171, an occupational disease claim which was accepted for aggravation of C5-C6 disc herniation, into the current File No. xxxxxx741, with the current file designated as the master file.

By decision dated November 27, 2019, under OWCP File No. xxxxxx741, OWCP granted appellant a schedule award for two percent permanent impairment of the right upper extremity. It also found that she had zero percent permanent impairment of the left upper extremity.

On December 5, 2019 appellant, through counsel, requested an oral hearing before a representative of OWCP's Branch of Hearings and Review.

By decision dated May 26, 2020, OWCP's hearing representative affirmed the November 27, 2019 decision.

The Board has duly considered the matter and finds that this case is 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 cross-referencing between files.<sup>2</sup> This will allow OWCP to consider all relevant claim files in developing this schedule award claim.

Appellant has a subsequently filed claim under OWCP File No. xxxxxx525 which also alleges injury to her right upper extremity. Therefore, for a full and fair adjudication, the Board will remand the case for OWCP to administratively combine OWCP File No. xxxxxx525 with OWCP File Nos. xxxxxx741 and xxxxxx171. OWCP shall then update the SOAF and refer appellant to a new IME for an opinion on the nature and extent of her permanent impairment. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.

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<sup>2</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c) (February 2000). See also *Order Remanding Case, M.W.*, 20-1221 (issued July 6, 2021).

**IT IS HEREBY ORDERED THAT** the May 26, 2020 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: September 23, 2022  
Washington, DC

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

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

Janice B. Askin, Judge  
Employees' Compensation Appeals Board