

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

L.P., Appellant	)	
	)	
and	)	<b>Docket No. 22-0083</b>
	)	<b>Issued: September 8, 2022</b>
U.S. POSTAL SERVICE, PAWLING POST	)	
OFFICE, Pawling, NY, Employer	)	
	)	

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

*Case Submitted on the Record*

**ORDER REMANDING CASE**

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

On October 27, 2021 appellant filed a timely appeal from a September 15, 2021 nonmerit decision of the Office of Workers' Compensation Programs (OWCP) under OWCP File No. xxxxxx143. The Clerk of the Appellate Boards docketed the appeal as Docket No. 22-0083.

On August 22, 2020 appellant, then a 53-year-old part-time modified carrier, filed a notice of recurrence (Form CA-2a) under OWCP File No. xxxxxx031. She indicated that the recurrence began on June 5, 2020, when she lifted boxes from the floor and her back snapped, and that it was causally related to her accepted October 22, 2016 employment injury. Appellant stopped work on June 8, 2020.<sup>1</sup>

On August 28, 2020 OWCP determined that, based on appellant's description of the events that prompted the filing of the Form CA-2a, she was not filing a recurrence of a prior injury, but rather she was claiming a new traumatic injury. Therefore, it administratively created a new

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<sup>1</sup> Under OWCP File No. xxxxxx031, OWCP accepted appellant's claim for a back injury sustained on October 22, 2016. Appellant returned to part-time limited-duty work following that injury.

traumatic injury claim, under OWCP File No. xxxxxx143. OWCP referenced a prior claim, OWCP File No. xxxxxx031, that was accepted for a back injury.<sup>2</sup>

By decision dated September 30, 2020, OWCP denied appellant's traumatic injury claim, finding that the medical evidence submitted was insufficient to establish causal relationship between her diagnosed conditions and the accepted June 5, 2020 employment incident.

On September 9, 2021 appellant requested reconsideration. No additional evidence was received.

By decision dated September 15, 2021, OWCP denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

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.<sup>3</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>4</sup> In the present claim, appellant alleged injuries to her back. OWCP had previously accepted that she sustained a back injury under OWCP File No. xxxxxx031. However, it has not administratively combined the present claim with her previously accepted claim pertaining to a back injury.

As OWCP File No. xxxxxx031 also involves a claim to appellant's back, for a full and fair adjudication, the Board will remand the case to OWCP to administratively combine the case records for OWCP File Nos. xxxxxx143 and xxxxxx031.<sup>5</sup> Following this and other such further development as OWCP deems necessary, it shall issue a *de novo* decision.<sup>6</sup>

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<sup>2</sup> *Id.*

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

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

<sup>5</sup> *Id.*

<sup>6</sup> *Order Remanding Case, R.G.*, Docket No. 19-1755 (issued July 7, 2020); *L.M.*, *supra* note 4.

**IT IS HEREBY ORDERED THAT** the September 15, 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: September 8, 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