



Previously, appellant had filed a traumatic injury claim (Form CA-1) for injuries sustained on March 7, 2000, when she was assaulted by a combative patient. OWCP assigned the claim OWCP File No. xxxxxx216. It accepted the claim for post-concussion syndrome. Additionally, on October 4, 2001 appellant filed a Form CA-2 alleging that she sustained an emotional condition on or before March 1, 2001 due to factors of her federal employment, including the March 7, 2000 assault. OWCP assigned the claim OWCP File No. xxxxxx353. It accepted the claim for post-traumatic stress disorder (PTSD).

OWCP received reports dated October 1 and November 14, 2001 by Dr. Herbert H. Stein, a Board-certified psychiatrist, who recounted appellant's history of severe head injuries sustained in 2000 when assaulted by a patient in a psychiatric unit, and a verbal threat in 2001 by another patient in a different psychiatric unit. Dr. Stein diagnosed work-related PTSD with delayed onset.

In reports dated from July 23, 2010 through April 20, 2012, Dr. Philip A. Saigh, a clinical psychologist, noted that visiting the locked ward where the assault occurred exacerbated appellant's PTSD and anxiety.

In a July 17, 2020 report, Dr. Nausika Prifti, an osteopath Board-certified in psychiatry, recounted that appellant attributed her anxiety to her recent reassignment to the mental health unit where she had been physically assaulted by a patient. Dr. Prifti diagnosed chronic, severe PTSD.

In a July 19, 2020 report, Dr. Stein noted that appellant's anxiety/PTSD symptoms related to the 2001 employment injury recurred when the employing establishment approached her about working in the inpatient units.

By decision dated October 29, 2020, OWCP denied appellant's claim for an employment-related emotional condition, finding that the evidence of record was insufficient to establish that the injury and/or events occurred, as alleged. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

On November 23, 2020 appellant requested reconsideration. She submitted an October 20, 2020 report by Dr. Eugenia Steingold, a clinical psychologist, who opined that appellant's recent transfer to the unit where the 2000 assault occurred, and a patient's recent verbal outburst, had retraumatized appellant. Dr. Steingold diagnosed acute, severe PTSD.

By decision dated January 12, 2021, OWCP denied modification of the prior decision.

On March 16, 2021 appellant requested reconsideration. She submitted a June 12, 2020 email by supervisor D.G. noting her reassignment.

By decision dated April 28, 2021, OWCP denied modification of the prior decision.

On April 27, 2022 appellant, through her representative, requested reconsideration. She submitted an April 27, 2022 report by Dr. Steingold, who noted that appellant had been returned to the unit, where on July 17, 2020 a patient "screamed at [her] violently" and attempted to strike her.

By decision dated July 21, 2022, OWCP denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

The Board, having duly considered the matter, 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.<sup>2</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>3</sup>

In the instant case, appellant submitted numerous medical reports indicating that the claimed emotional condition originated from the March 7, 2000 employment injury, accepted for post-concussion syndrome under OWCP File No. xxxxxx216 and for post-traumatic stress disorder under OWCP File No. xxxxxx353. Dr. Stein, in his October 1 and November 14, 2001 reports, diagnosed PTSD causally related to the March 7, 2000 workplace assault accepted under OWCP File Nos. xxxxxx216 and xxxxxx353.

As such, the Board finds that appellant's claims under OWCP File No. xxxxxx216, accepted for post-concussion syndrome sustained in the March 7, 2000 assault, and OWCP File No. xxxxxx353, accepted for PTSD causally related to the March 7, 2000 assault, should be administratively combined with the present claim under OWCP File No. xxxxxx734. Therefore, for a full and fair adjudication, this case shall be remanded to OWCP to administratively combine OWCP File Nos. xxxxxx216, xxxxxx353, and xxxxxx734. Following this and such further development as deemed necessary, OWCP shall issue a *de novo* decision regarding appellant's claim. Accordingly,

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<sup>2</sup> See Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8c (February 2000); see *Order Remanding Case, J.M.*, Docket No. 22-0333 (issued July 1, 2022); *K.K.*, Docket No. 20-0581 (issued September 14, 2020).

<sup>3</sup> *Id.*; *Order Remanding Case, M.J.*, Docket No. 22-1357 (issued June 12, 2023); *Order Remanding Case, D.C.*, Docket No. 19-0100 (issued June 3, 2019); *Order Remanding Case, N.M.*, Docket No. 18-0833 (issued April 18, 2019); *Order Remanding Case, K.T.*, Docket No. 17-0432 (issued August 17, 2018).

**IT IS HEREBY ORDERED THAT** the July 21, 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: December 28, 2023  
Washington, DC

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

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

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