

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

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| M.F., Appellant |) | |
| |) | |
| and |) | Docket No. 23-0417 |
| |) | Issued: December 5, 2023 |
| U.S. POSTAL SERVICE, PHILLY METRO |) | |
| DISTRICT OFFICE, Philadelphia, PA, Employer |) | |
| |) | |

Appearances:
Thomas R. Uliase, Esq., for the appellant¹
Office of Solicitor, for the Director

Case Submitted on the Record

ORDER REMANDING CASE

Before:
ALEC J. KOROMILAS, Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge
JAMES D. MCGINLEY, Alternate Judge

On February 7, 2023 appellant, through counsel, filed a timely appeal from an October 11, 2022 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 23-0417.

On August 25, 2020 appellant, then a 42-year-old postal collection and delivery clerk, filed a traumatic injury claim (Form CA-1) alleging that on August 13, 2020 he injured his left foot and left heel while in the performance of duty. He recounted that his left foot slipped when he was crossing a cobblestone street, and he struck his left heel and felt stabbing pain in the bottom of his

¹ 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.

left heel.² Appellant stopped work on August 14, 2020. OWCP assigned the claim OWCP File No. xxxxxx224.

By decision dated December 9, 2020, OWCP denied appellant's claim, finding that the medical evidence of record was insufficient to establish a causal relationship between his diagnosed medical conditions and the accepted August 13, 2020 employment incident.

Appellant requested reconsideration of his claim on December 31, 2020 and September 1, 2021 and, by decisions dated January 28 and November 23, 2021, OWCP denied modification of its prior decisions. He again requested reconsideration on February 24, 2022 and, by decision dated March 1, 2022, OWCP denied his request for reconsideration of the merits of his claim, pursuant to 5 U.S.C. § 8128(a). On August 1, 2022 appellant again requested reconsideration. By decision dated October 11, 2022, OWCP denied modification of its November 23, 2021 decision.

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.³ 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.⁴ Herein, appellant's prior traumatic injury claim under OWCP File No. xxxxxx806 also involved injuries to the left foot and heel, which are at issue in the present claim under OWCP File No. xxxxxx224. For a full and fair adjudication, this case must be returned to OWCP to administratively combine the current case record with OWCP File No. xxxxxx806, so it can consider all relevant claim files and accompanying evidence in adjudicating his current traumatic injury claim.⁵

Following this and other such further development as OWCP deems necessary, it shall issue a *de novo* decision. Accordingly,

² Appellant has a previously accepted March 13, 2019 traumatic injury claim for contusion of left foot (heel) under OWCP File No. xxxxxx806.

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

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

⁵ *Supra* note 3 at Chapter 2.400.8c(1); *W.D.*, Docket No. 19-0961 (issued March 31, 2021); *L.P.*, Docket Nos. 18-1558 and 18-1568 (issued June 21, 2019).

IT IS HEREBY ORDERED THAT the October 11, 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 5, 2023
Washington, DC

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

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

James D. McGinley, Alternate Judge
Employees' Compensation Appeals Board