

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

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W.M., Appellant)	
)	
and)	Docket No. 23-0671
)	Issued: December 29, 2023
U.S. POSTAL SERVICE, MAIN POST OFFICE,)	
Houston, TX, Employer)	
_____)	

Appearances:
Appellant, pro se
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 April 10, 2023 appellant filed a timely appeal from a March 2, 2023 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 23-0671.

On May 11, 2010 appellant, then a 57-year-old mail processing clerk, filed a traumatic injury claim (Form CA-1) alleging that, on that date, he sustained injuries to his left knee and hip, shoulders, and hands after a six-inch screw got caught in his shoe, causing him to trip and fall while in the performance of duty. By decision dated July 1, 2010, OWCP accepted the claim, under File No. xxxxxx651, for sprain of the left knee and leg, and unspecified sprain of the left shoulder and upper arm. On August 25, 2010 it expanded the acceptance of appellant's conditions to include unspecified internal derangement of the left knee. On November 12, 2014 OWCP further expanded the acceptance of his conditions to include derangement of the left lateral meniscus, old bucket handle tear of the left medial meniscus, traumatic arthropathy of the left lower leg, and post-traumatic osteoarthritis of the left knee. On March 9, 2016 it expanded the acceptance of appellant's conditions to include incomplete rotator cuff tear or rupture of the left shoulder. Appellant stopped work on June 26, 2010 and returned to full duty on June 6, 2011. He stopped work again on August 29, 2014, and returned to full duty on June 3, 2016.

On September 27, 2021 appellant filed a claim for compensation (Form CA-7) for disability for the period April 2, 2019 through March 3, 2020.

By decision dated November 18, 2021, OWCP noted that it had received a claim for disability for the period April 2, 2019 through March 3, 2020, but denied appellant's claim for wage-loss compensation for disability for the period April 2, 2019 through April 19, 2020. It found that he had already been compensated for the period April 20, 2019 through March 3, 2020 under OWCP File No. xxxxxx277 for an injury to his left ankle and leg. OWCP further found that he failed to submit medical evidence establishing disability as a result of the accepted work-related conditions for the remaining period claimed.

On March 30, 2022 appellant requested reconsideration.

By decision dated June 28, 2022, OWCP denied modification of its November 18, 2021 decision.

On December 3, 2022 appellant requested reconsideration.

By decision dated March 2, 2023, OWCP denied modification of its June 28, 2022 decision.

The Board has duly considered the matter and finds that this case is not in posture for decision.¹

The Board finds that OWCP's procedures provide that cases should be administratively combined when correct adjudication of the issues depends on frequent cross-referencing between files.² For example, if a new injury claim is reported for an employee who previously filed an injury claim for a similar condition of the same part of the body, doubling is required.³ Herein, appellant has a claim under OWCP File No. xxxxxx277 for the left lower extremity involving injury to his left ankle and leg, which is the same region of the body at issue in the claim presently before the Board. Medical evidence relating to appellant's work-related left leg and ankle conditions and surgeries are relevant to this claim as it would be required to determine appellant's entitlement to compensation benefits for any continued disability and/or residuals stemming from the May 11, 2010 employment injury.

Therefore, for full and fair adjudication, the case must be remanded to OWCP to administratively combine the current case record, OWCP File No. xxxxxx651, with OWCP File

¹ *Order Remanding Case, J.L.*, Docket No. 21-0958 (issued April 26, 2023).

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

³ *Id.*; *Order Remanding Case, H.B.*, Docket No. 20-1298 (issued November 22, 2021); *Order Remanding Case, S.G.*, Docket No. 21-0396 (issued September 27, 2021).

No. xxxxxx277.⁴ This will allow OWCP to consider all relevant reports and accompanying evidence in developing the current claim.⁵

The Board will therefore remand the case to OWCP to combine the files.⁶ Following this and such further development as it deems necessary, OWCP shall issue a *de novo* decision.⁷ Accordingly,

IT IS HEREBY ORDERED THAT the March 2, 2023 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 29, 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

⁴ *Order Remanding Case, K.W.*, Docket No. 22-1258 (issued March 14, 2023).

⁵ *Order Remanding Case, L.M.*, Docket No. 19-1490 (issued January 29, 2020).

⁶ *Order Remanding Case, J.W.*, Docket No. 22-1047 (issued March 14, 2023).

⁷ *Order Remanding Case, J.B.*, Docket No. 22-0127 (issued February 16, 2023).