

of the right elbow. He advised that appellant could return to work on that date with a restriction of lifting/carrying no more than 20 pounds intermittently.

On April 19, 2023 appellant provided a narrative statement, which OWCP received on April 20, 2023, explaining that the duties of her employment as a city letter carrier included delivering mail and packages. She noted that her route usually included delivery of 70 to 100 packages every day, some of which weighed more than 50 pounds. Appellant further noted that aside from delivering mail, her duties included picking up packages, loading them into her truck, and placing them onto front porches. She stated that approximately two years prior, possibly in mid-2021, she felt soreness in her arms and elbows, but did not pay attention to the soreness at that time. In mid-2022, she felt that her condition had worsened.

In a development letter dated April 26, 2023, OWCP informed appellant that the evidence submitted was insufficient to establish her claim. It advised her of the type of factual and medical evidence needed and requested that she complete a provided questionnaire in order to substantiate the factual elements of her claim. Specifically, OWCP noted that appellant had filed another occupational disease claim under OWCP File No. xxxxxx030 with a date of injury of September 21, 2021, and requested that appellant clarify whether this was a duplicate claim or another claim. It afforded appellant 60 days to respond and submit additional evidence.

In a statement dated June 10, 2023, appellant clarified that she had filed a claim on September 9, 2022 in relation to her occupational disease. She indicated that she did not know that she had made two attempts to file the same claim. Appellant requested that the duplicate claim be eliminated.

In a referral note for diagnostic testing dated May 19, 2023, Dr. Gutke diagnosed bilateral lateral epicondylitis and ulnar neuropathy of the left elbow. OWCP also received additional CA-17 forms from Dr. Gutke dated September 26, 2022, and March 24 and May 19, 2023.

By decision dated June 26, 2023, OWCP denied appellant's occupational disease claim, finding that the evidence of record was insufficient to establish the factual basis of her claim. It related that appellant had not responded to the development letter of April 26, 2023. OWCP also noted that it was still unclear as to which claim appellant wanted to pursue. OWCP concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

The Board, having duly considered this matter, finds that the case is not in posture for decision.

In the case of *William A. Couch*,² the Board held that when adjudicating a claim, OWCP is obligated to consider and address all evidence properly submitted by a claimant and received by OWCP before the final decision is issued. As previously noted, appellant submitted a narrative statement dated April 19, 2023, which was received by OWCP on April 20, 2023, wherein she provided a detailed description of the employment factors she believed caused injury to her upper

² 41 ECAB 548, 553 (1990); see also *Order Remanding Case, T.F.*, Docket No. 22-0015 (issued May 16, 2022); *Order Remanding Case, F.A.*, Docket No. 20-1324 (issued March 1, 2021); *T.G.*, Docket No. 19-1930 (issued January 8, 2021).

extremities. However, the record does not indicate that OWCP reviewed this additional evidence in its June 26, 2023 decision, which found that appellant had not established the factual aspects of her claim. It, thus, failed to follow its procedures by not considering and addressing the relevant evidence of record.³

The Board further notes that OWCP's procedures provide that cases should be administratively combined when correct adjudication depends on frequent cross-referencing between files and where two or more injuries occur to the same part of the body.⁴ In the present claim OWCP further noted that it was unclear as to whether OWCP File No. xxxxxx030 was a duplicate claim. The Board finds that this issue must be resolved by administratively combining OWCP File No. xxxxxx030 and the present claim under File No. xxxxxx262, as correct adjudication depends on cross-referencing between these files and the claimed injury or injuries appear to have occurred to the same part of the body. For a full and fair adjudication, the claims in OWCP File Nos. xxxxxx030 and xxxxxx262 shall be administratively combined by OWCP.

As the Board's decisions are final as to the subject matter appealed, it is crucial that OWCP consider and address all evidence received prior to the issuance of its decision.⁵ For this reason, the case will be remanded to OWCP to review all relevant evidence submitted in both claims. Following this and other such further development as OWCP deems necessary, it shall issue a *de novo* decision. Accordingly,

³ OWCP's procedures provide that all evidence submitted should be reviewed and discussed in the decision. Evidence received following development that lacks probative value also should be acknowledged. Whenever possible, the evidence should be referenced by author and date. Federal (FECA) Procedure Manual, Part 2 -- Claims, *Initial Denials*, Chapter 2.1401.5b(2) (November 2012).

⁴ Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8c (February 2000).

⁵ *Order Remanding Case, G.A.*, Docket No. 19-1080 (issued January 2, 2020); *Order Remanding Case, T.J.*, Docket No. 14-1854 (issued February 3, 2015); *Order Remanding Case, J.J.*, Docket No. 12-1062 (issued December 12, 2012); *Willard McKennon*, 51 ECAB 145 (1999); *Linda Johnson*, 45 ECAB 439 (1994). See also *Order Remanding Case, C.S.*, Docket No. 18-1760 (issued November 25, 2019); *Yvette N. Davis*, 55 ECAB 475 (2004).

IT IS HEREBY ORDERED THAT the June 26, 2023 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded to OWCP for further proceedings consistent with this order of the Board.

Issued: December 11, 2023
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