

¹ The case record indicates that appellant had filed an occupational disease claim (Form CA-2) on January 21, 2021 under OWCP File No. xxxxxx311 with an adjudication date of April 30, 2021. This claim was denied as OWCP found that the record was unclear as to whether this alleged occupational disease claim was actually a claim for traumatic injury.

On May 14, 2021 the employing establishment challenged appellant's claim. It noted that it remained unclear if his condition was due to a work event, as there were no witnesses in previous claims. The employing establishment stated that appellant's accusation that he hit his head while administering anesthesia was not sufficient to establish causal relationship.

By decision dated June 17, 2021, OWCP denied appellant's traumatic injury claim, finding that he had not submitted sufficient evidence to establish causal relationship between his diagnosed vestibular concussion and the accepted employment incident of April 19, 2021. It noted, "In claim number xxxxxx311, you submitted multiple reports from Dr. Nathan Holmes, [Board-certified in family and sports medicine] diagnosing you with concussion. In the medical report dated December 29, 2020, Dr. Holmes noted that you have recurrent vestibular dysfunction and ocular tracking issues likely related to a repeat head trauma. There were other reports dated February 5, 11 and March 8, 2021 from Dr. Holmes that addressed your preexisting concussion diagnosis."

On July 30, 2021 appellant requested an oral hearing before a representative of OWCP's Branch of Hearings and Review.

By decision dated August 20, 2021, OWCP denied appellant's hearing request as it was not filed within 30 days of the June 17, 2021 decision. It exercised its discretion in further denying the hearing request, finding that the issue could be resolved by requesting reconsideration, and submitting evidence not previously submitted.

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 depends on cross-referencing between files and where two or more injuries occur to the same part of the body.² In the present claim, appellant alleged a vestibular concussion that occurred on April 19, 2021. It appears from the case record that he filed an occupational disease claim under OWCP File No. xxxxxx311 which was referenced in OWCP's June 17, 2021 decision. Therefore, for a full and fair adjudication, the claim in OWCP File No. xxxxxx311 shall be administratively combined with the present claim.

Accordingly, the case shall be remanded to OWCP to administratively combine OWCP File No. xxxxxx311 with the present claim. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.

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

IT IS HEREBY ORDERED THAT the June 17 and August 20, 2021 decisions of the Office of Workers' Compensation Programs are set aside and the case is remanded to OWCP for further proceedings consistent with this order of the Board.

Issued: February 14, 2023
Washington, DC

Patricia H. Fitzgerald, Deputy 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