

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

C.R., Appellant

and

**DEPARTMENT OF THE NAVY, NAVAL
HOSPITAL LEMOORE, HORNET HEALTH
CLINIC, Lemoore, CA, Employer**

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**Docket No. 22-0284
Issued: February 6, 2023**

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

ORDER REMANDING CASE

Before:

ALEC J. KOROMILAS, Chief Judge

JANICE B. ASKIN, Judge

VALERIE D. EVANS-HARRELL, Alternate Judge

On December 15, 2021 appellant filed a timely appeal from a June 24, 2021 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards docketed the appeal as No. 22-0284.

On April 14, 2021 appellant, then a 62-year-old nurse, filed an occupational disease claim (Form CA-2) alleging that she aggravated a preexisting bilateral knee condition and experienced right foot pain due to factors of her federal employment.¹ She indicated that she first became aware of her conditions on September 16, 2018 and their relationship to her federal employment on March 18, 2021. Appellant stopped work on March 26, 2018 and returned to work on April 16, 2018. OWCP assigned the claim OWCP File No. xxxxxx852.

By decision dated June 24, 2021, OWCP denied appellant's occupational disease claim, finding that the medical evidence of record was insufficient to establish a causal relationship between her diagnosed medical conditions and the accepted employment factors.

¹ Appellant has a previously filed traumatic injury claim (Form CA-1) alleging a March 26, 2018 injury to her knees, left thigh, and chest while in the performance of duty. OWCP processed the claim as a short form closure under OWCP File No. xxxxxx514.

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.² 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.³ Hrein, appellant's prior traumatic injury claim under OWCP File No. xxxxxx514 also involved injuries to the knees, which are at issue in the present claim under OWCP File No. xxxxxx852. For a full and fair adjudication, this case must be returned to OWCP to administratively combine the current case record with OWCP File Nos. xxxxxx514 and xxxxxx852, so it can consider all relevant claim files and accompanying evidence in adjudicating appellant's current occupational disease claim.⁴

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

IT IS HEREBY ORDERED THAT the June 24, 2021 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: February 6, 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

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

³ *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).

⁴ *Supra* note 2 at Chapter 2.400.8c(1); *W.D.*, Docket No. 19-0961 (issued March 31, 2021); *L.P.*, Docket Nos. 18-1558 & 18-1568 (issued June 21, 2019).