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

	)
P.C., Appellant	)
	)
and	) Docket No. 22-0534
	) Issued: February 13, 2023
U.S. POSTAL SERVICE, NORTH RICHLAND	)
HILLS BRANCH, Fort Worth, TX, Employer	)
	, )
Appearances:	Case Submitted on the Record
Appellant, pro se	
Office of Solicitor, for the Director	

## **ORDER REMANDING CASE**

Before:

JANICE B. ASKIN, Judge

VALERIE D. EVANS-HARRELL, Alternate Judge

JAMES D. McGINLEY, Alternate Judge

On February 23, 2022 appellant filed a timely appeal from a January 18, 2022 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 22-0534.

On September 5, 2015 appellant, then a 46-year-old city carrier, filed a traumatic injury claim (Form CA-1) alleging that on that date he strained his right shoulder while in the performance of duty. OWCP assigned OWCP File No. xxxxxxx940 and accepted the claim for instability and bicipital tendinitis of the right shoulder.

On August 11, 2021 appellant filed a claim for compensation (Form CA-7) for a schedule award.

By decision dated January 18, 2022, OWCP denied appellant's schedule award claim. It found that the evidence established 10 percent permanent impairment of the right upper extremity. OWCP indicated that appellant had previously received schedule awards for the right shoulder of 22 percent under OWCP File No. xxxxxxx004 and 12 percent under OWCP File No. xxxxxxx972 and thus was not entitled to an additional schedule award.

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

OWCP's procedures provide that cases should be administratively combined when proper adjudication of the issues depends on frequent cross-referencing between case files. 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. OWCP specifically referenced schedule awards for the right upper extremity granted in other claims, OWCP File Nos. xxxxxxx004 and xxxxxx972, in finding that appellant was not entitled to a schedule award for the right upper extremity in the current case, OWCP File No. xxxxxxy940. However, the evidence pertaining to these files is not part of the case record presented before the Board. Evidence contained in another of claimant's case files may be used, but a copy of that evidence should be placed into the case file being adjudicated. All evidence that forms the basis of a decision must be in that claimant's case record. Therefore, for a full and fair adjudication, the case shall be remanded to OWCP to administratively combine the current case record with OWCP File Nos. xxxxxxx004 and xxxxxxx972. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision regarding appellant's schedule award claim. Accordingly,

<sup>&</sup>lt;sup>1</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8c(1) (February 2000); *V.G.*, Docket No. 19-0670 (issued April 30, 2020); *L.P.*, Docket Nos. 18-1558, 18-1568 (issued June 21, 2019); *W.S.*, Docket No. 15-0969 (issued October 5, 2015); *C.C.*, Docket No. 14-1576 (issued March 9, 2015).

<sup>&</sup>lt;sup>2</sup> *Id.*; *M.B.*, Docket No. 20-1175 (issued December 31, 2020); *L.M.*, Docket No. 19-1490 (issued January 29, 2020).

<sup>&</sup>lt;sup>3</sup> Supra note 1 at Chapter 2.800.5a (June 2011); Order Remanding Case, R.L., Docket No. 20-0901 (issued July 27, 2021).

<sup>&</sup>lt;sup>4</sup> Id.; see also Order Remanding Case, G.O., Docket No. 18-1483 (issued June 20, 2019).

**IT IS HEREBY ORDERED THAT** the January 18, 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: February 13, 2023

Washington, DC

Janice B. Askin, Judge Employees' Compensation Appeals Board

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

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