

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

J.D., Appellant

and

**U.S. POSTAL SERVICE, POST OFFICE,
Portland, OR, Employer**

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**Docket No. 22-0201
Issued: January 9, 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 November 21, 2021 appellant filed a timely appeal from a June 7, 2021 merit decision and an October 19, 2021 nonmerit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards docketed the appeal as Docket No. 22-0201.

On October 28, 2020 appellant, then a 55-year-old lead customer service clerk, filed an occupational disease claim (Form CA-2) alleging that she experienced a flare up in her neck, shoulder, and arm due to factors of her federal employment.¹ She stated that this flare up was based on her "previous injury" and continuous work with parcels. Appellant noted that she first became aware of her condition and its relation to her federal employment on October 8, 2020.

In a January 6, 2021 response to OWCP's development questionnaire, appellant indicated that she had attached documents "for [her] previous injury regarding [her] neck, but now connected to [her] arm." However, the record contains no such documents.

¹ OWCP assigned the present claim OWCP File No. xxxxxx017. It previously denied a February 13, 2016 traumatic injury claim under OWCP File No. xxxxxx903 for neck strain, finding that she had not met the requirements to establish causal relationship. Additionally, OWCP previously accepted a June 4, 2019 traumatic injury claim under OWCP File No. xxxxxx762 for strain of muscle, fascia, and tendon at neck level. Appellant's claims have not been administratively combined by OWCP.

By decision dated January 25, 2021, OWCP denied appellant's claim finding that the medical evidence of record was insufficient to establish causal relationship between a diagnosed medical condition and the accepted employment factors.

On March 9, 2021 appellant requested reconsideration. By decision dated June 7, 2021, OWCP denied modification of its January 25, 2021 decision.

On July 21, 2021 appellant again requested reconsideration. By decision dated October 19, 2021, OWCP denied appellant's reconsideration request.

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 Herein, appellant had two prior claims for neck conditions, assigned OWCP File Nos. xxxxxx903 and xxxxxx762. She subsequently filed an occupational disease claim on October 28, 2020 for a flare up in her neck, shoulder, and arm related to a "previous injury," assigned OWCP File No. xxxxxx017, which is the claim presently before the Board.

For a full and fair adjudication, the case must be returned to OWCP to administratively combine the current case record, OWCP File No. xxxxxx017, with OWCP File Nos. xxxxxx903 and xxxxxx762, so it can review all of appellant's relevant claim files in determining whether appellant has submitted sufficient evidence to demonstrate causal relationship. Following this and such further development as OWCP deems necessary, it shall issue a *de novo* decision. Accordingly,

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

³ *Id.*; *S.G.*, Docket No. 21-0396 (issued September 27, 2021); *R.L.*, Docket No. 20-0901 (issued July 27, 2021); *M.E.*, Docket No. 21-0094 (issued May 27, 2021); *L.M.*, Docket No. 19-1490 (issued January 29, 2020); *L.H.*, Docket No 18-1777 (issued July 2, 2019).

IT IS HEREBY ORDERED THAT the June 7 and October 19, 2021 decisions of the Office of Workers' Compensation Programs are set aside and the case is remanded for further proceedings consistent with this order of the Board.

Issued: January 9, 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