

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

_____)	
M.L., Appellant)	
)	
and)	Docket No. 22-1276
)	Issued: January 18, 2023
DEPARTMENT OF LABOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, Dallas, TX, Employer)	
_____)	

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

Case Submitted on the Record

ORDER REMANDING CASE

Before:
ALEC J. KOROMILAS, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

On August 29, 2022 appellant filed a timely appeal from an April 4, 2022 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards docketed the appeal as No. 22-1276.

On December 30, 2021 appellant, then a 57-year-old general claims examiner, filed an occupational disease claim (Form CA-2) alleging that she sustained bilateral upper extremity conditions causally related to repetitive duties of her federal employment. She noted that she first became aware of her condition and realized its relation to her federal employment on September 2, 2020. OWCP assigned the claim OWCP File No. xxxxxx222.

By decision dated April 4, 2022, OWCP denied appellant's occupational disease claim. It noted that she had previously filed an occupational disease claim on May 24, 2016 alleging that she sustained bilateral upper extremity conditions causally related to or aggravated by factors of her federal employment, assigned OWCP File No. xxxxxx211. OWCP referenced evidence from OWCP File No. xxxxxx211 in finding that appellant had not established a medical condition causally related to the accepted employment factors.

OWCP's procedures provide that cases should be administratively combined when proper adjudication of the issues depends on frequent cross-referencing between case files.¹ 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.²

As noted above, appellant has a prior claim under OWCP File No. xxxxxx211 for bilateral upper extremity conditions, the same region of the body at issue in the claim presently before the Board. However, the evidence from this file is not part of the case record available to the Board for review. Therefore, for a full and fair adjudication, the case shall be remanded to OWCP to administratively combine the current case record, OWCP File No. xxxxxx222, with OWCP File No. xxxxxx211.³ Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision regarding appellant's occupational disease claim. Accordingly,

IT IS HEREBY ORDERED THAT the April 4, 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: January 18, 2023
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

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

¹ Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c)(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).

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

³ *See R.L.*, Docket No. 22-0603 (issued September 16, 2022); *A.D.*, *Order Remanding Case*, Docket No. 22-0147 (issued July 1, 2022).