

Appellant contends that, thereafter, her previously accepted injury was aggravated by her work duties, resulting in her present condition.

By decision dated August 18, 2022, OWCP denied appellant's occupational disease claim, finding that she had not submitted sufficient evidence to establish the implicated factors of her federal employment. Consequently, it found that she had not met the requirements to establish an injury as defined by FECA.

On August 19, 2022 appellant requested reconsideration of the August 18, 2022 decision and submitted additional evidence in support of her request.

By decision dated August 22, 2022, OWCP denied appellant's request for reconsideration of the merits of the claim, pursuant to 5 U.S.C. § 8128(a).

OWCP continued to receive evidence. In a medical report dated July 14, 2022, Dr. Kenneth Kramer, a Board-certified orthopedic surgeon, related that appellant had been under his care since September 7, 2021, for treatment of neck and back injuries she sustained in a motor vehicle accident on July 1, 2021 under OWCP File No. xxxxxx539. He noted that her lumbar symptoms increased with performing her regular work duties and, in his medical opinion, her present condition was caused by the accepted July 1, 2021 employment injury.

On September 16 and 28, 2022 appellant requested reconsideration of the August 18, 2022 decision. By decision dated October 3, 2022, OWCP denied her request for reconsideration of the merits of the claim, pursuant to 5 U.S.C. § 8128(a).

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 Herein, OWCP referenced appellant's prior claim under OWCP File No. xxxxxx539. Thus, for a full and fair adjudication, this case shall be returned to OWCP to administratively combine the current case record with OWCP File No. xxxxxx539, so that it can consider all relevant claim files and accompanying evidence in adjudicating the present claim.³

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).

³ *Id.*, 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).

IT IS HEREBY ORDERED THAT the August 18, 22, and October 3, 2022 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 17, 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