

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

_____)	
J.M., Appellant)	
)	
and)	Docket No. 23-0162
)	Issued: June 22, 2023
U.S. POSTAL SERVICE, POST OFFICE,)	
San Antonio, 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
JANICE B. ASKIN, Judge
JAMES D. MCGINLEY, Alternate Judge

On November 8, 2022 appellant filed a timely appeal from a July 1, 2022 merit decision and July 14, 2022 nonmerit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 23-0162.

On April 11, 2022 appellant, then a 67-year-old city carrier, filed a traumatic injury claim (Form CA-1) alleging that on March 4, 2022 he injured his lower back, hips, and left leg and knee when his left knee gave out without warning at the beginning of his delivery route, and he fell on his back while in the performance of duty. On the reverse side of the claim form, the employing establishment challenged his claim and noted that he missed a few weeks of work immediately preceding the date of injury due to an off-the-job knee injury. Appellant stopped work on March 4, 2022 and returned to work on May 18, 2022. OWCP assigned the claim OWCP File No. xxxxxx516.

The employing establishment challenged the claim, noting that appellant had previously filed a September 9, 2020 occupational disease claim under OWCP File No. xxxxxx826 for a low back condition, which was denied.

By decision dated July 1, 2022, OWCP denied appellant's claim, finding that he had not established that the diagnosed medical condition was causally related to the accepted March 4,

2022 employment incident. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

On July 11, 2022 appellant requested reconsideration and submitted additional evidence. By decision dated July 14, 2022, OWCP denied his request for reconsideration of the merits of his claim.

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

OWCP's procedures provide that cases should be administratively combined when correct adjudication depends on cross-referencing between files and when two or more injuries occur to the same part of the body.¹ As appellant's claims under OWCP File Nos. xxxxxx516 and xxxxxx826 both involve the lower back, these claims should be administratively combined for a full and fair adjudication.² This will allow OWCP to consider all relevant claim files and accompanying evidence in developing this claim.

Accordingly, the Board will remand the case to OWCP to administratively combine OWCP File Nos. xxxxxx516 and xxxxxx826. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* merit decision.

¹ Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c) (February 2000).

² *K.G.*, Docket No. 21-0068 (issued July 29, 2022); *D.J.*, Docket No. 20-0997 (issued November 20, 2020); *S.D.*, Docket No. 19-0590 (issued August 28, 2020).

IT IS HEREBY ORDERED THAT July 1 and 14, 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: June 22, 2023
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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