

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

S.S., Appellant

and

U.S. POSTAL SERVICE, POST OFFICE,
Milwaukee, WI, Employer

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**Docket No. 21-1407
Issued: March 8, 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
PATRICIA H. FITZGERALD, Deputy Chief Judge
JAMES D. McGINLEY, Alternate Judge

On September 20, 2021 appellant filed a timely appeal from an August 10, 2021 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards docketed the appeal as No. 21-1407.

On March 15, 2021 appellant, then a 58-year-old city carrier, filed a traumatic injury claim (Form CA-1) alleging that on September 3, 2020, he injured his left knee and lower back when he slipped and fell backward when walking down a ramp while in the performance of duty.¹ He did not stop work.

By decision dated April 14, 2021, OWCP accepted that the September 3, 2020 incident occurred as described. However, it denied appellant's traumatic injury claim, finding that the medical evidence of record was insufficient to establish a causal relationship between the accepted employment incident and her diagnosed medical conditions.

¹ The record reflects that appellant has a previously-accepted traumatic injury claim under OWCP File No. xxxxxx595 for sprain of left knee.

On April 26, 2021 appellant requested a review of the written record by a representative of OWCP's Branch of Hearings and Review.

By decision dated August 10, 2021, OWCP denied modification of its prior decision.

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 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, in the present claim, appellant alleged a left knee injury. He also has a previously accepted claim for a left knee sprain under OWCP File No. xxxxxx595. Therefore, for a full and fair adjudication, this case must be returned to OWCP to administratively combine the current case record with OWCP File No. xxxxxx595, so it can consider all relevant claim files and relevant evidence in adjudicating appellant's current traumatic injury claim.⁴

Following this and other such further development as deemed necessary, it shall issue a *de novo* decision.

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

³ *Id.*; *M.L.*, Docket No. 20-1176 (issued April 29, 2021); *L.M.*, Docket No. 19-1490 (issued January 29, 2020); *L.H.*, Docket No 18-1777 (issued July 2, 2019).

⁴ *Supra* note 2 at Chapter 2.400.8(c)(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 10, 2021 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: March 8, 2023
Washington, DC

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

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

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