

reported that, due to the high percentage of impairment of his left shoulder, he had to compensate in his daily activities by just using his right arm.¹

In a January 26, 2022 development letter, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence needed and provided a questionnaire for his completion. OWCP afforded appellant 30 days to respond.

By decision dated April 25, 2022, OWCP denied appellant's occupational disease claim, finding that the evidence of record was insufficient to establish that his medical condition was causally related to the accepted factors of his federal employment.

On May 3, 2022 appellant requested reconsideration.

By decision dated July 6, 2022, OWCP denied appellant's request for reconsideration of the merits of his claim, pursuant to 5 U.S.C. § 8128(a).

The Board, having duly considered the 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, doubling is required.³ Regarding alleged consequential injuries, in discussing the range of compensable consequences, once the primary injury is causally connected with the employment, the question is whether compensability should be extended to a subsequent injury or aggravation related in some way to the primary injury. The basic rule is that a subsequent injury, whether an aggravation of the original injury or a new and distinct injury, is compensable if it is the direct and natural result of a compensable primary injury.⁴ Herein, appellant reported that, due to the length of time and high percentage of impairment of his accepted left shoulder claims, he had to compensate in his daily activities by just using his right arm, which resulted in his right shoulder condition.

¹ The record reflects that appellant has previously-accepted traumatic injury claims (Form CA-1) for left shoulder conditions. A December 19, 2016 claim under OWCP File No. xxxxxx966 was accepted for other specific joint derangements of the left knee, left shoulder rotator cuff strain, and other disturbances of skin sensation; a March 28, 2018 claim under OWCP File No. xxxxxx903 was accepted for sprain of left shoulder joint; and a February 12, 2019 claim under OWCP File No. xxxxxx994 was accepted for left shoulder rotator cuff strain and tear. OWCP granted appellant a schedule award for 16 percent permanent impairment of the left upper extremity under OWCP File No. xxxxxx994.

² *K.K.*, Docket No. 20-0581 (issued September 14, 2020); *see* Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8c (February 2000).

³ *Id.*; *D.C.*, Docket No. 19-0100 (issued June 3, 2019); *N.M.*, Docket No. 18-0833 (issued April 18, 2019); *K.T.*, Docket No. 17-0432 (issued August 17, 2018).

⁴ *See C.H.*, Docket No. 20-0228 (issued October 7, 2020); *see also K.S.*, Docket No. 17-1583 (issued May 10, 2018).

The Board finds that for a full and fair adjudication of appellant's claim, the case shall be remanded to OWCP to administratively combine OWCP File Nos. xxxxxx898, xxxxxx966, xxxxxx903, and xxxxxx994. Following any further development deemed necessary, it shall issue a *de novo* decision. Accordingly,

IT IS HEREBY ORDERED THAT the April 25 and July 6, 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: March 14, 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