

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

A.T., Appellant	)	
	)	
and	)	<b>Docket No. 23-0821</b>
	)	<b>Issued: November 20, 2023</b>
U.S. POSTAL SERVICE, POST OFFICE,	)	
Forest Park, IL, 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  
VALERIE D. EVANS-HARRELL, Alternate Judge  
JAMES D. MCGINLEY, Alternate Judge

On May 16, 2023 appellant filed a timely appeal from a May 3, 2023 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 23-0821.

On February 21, 2020 appellant, then a 53-year-old clerk, filed an occupational disease claim (Form CA-2) alleging that she developed left shoulder and arm pain due to factors of her federal employment, including repetitively pushing and pulling mail and boxes.<sup>1</sup> She noted that she first became aware of her claimed condition on January 13, 2020 and its relation to her federal employment on January 16, 2020. OWCP accepted the claim for left shoulder strain. Appellant underwent OWCP-authorized surgery on February 18, 2022 by Dr. Kevin C. Tu, a Board-certified orthopedic surgeon and sports medicine specialist, which included left shoulder manipulation under anesthesia and arthroscopic capsulotomy, subacromial decompression, and distal clavicle

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<sup>1</sup> OWCP assigned the present claim OWCP File No. xxxxxx635. Appellant has a previously accepted March 19, 2015 traumatic injury claim for impingement syndrome and sprain of the left shoulder under OWCP File No. xxxxxx043. On February 23, 2017 OWCP granted her a schedule award for 10 percent permanent impairment of the left upper extremity under OWCP File No. xxxxxx043.

excision. OWCP paid appellant wage-loss compensation on the supplemental rolls from February 22 through June 10, 2022.

On July 29, 2022 appellant filed a claim for compensation (Form CA-7) for a schedule award. She submitted medical evidence in support of her claim.

By decision dated May 3, 2023, OWCP granted appellant a schedule award for an additional one percent permanent impairment of the left upper extremity (11 percent less the prior award for 10 percent permanent impairment of the left upper extremity).

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.<sup>2</sup> 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.<sup>3</sup> In the present claim, OWCP specifically referenced evidence from an earlier claim, OWCP File No. xxxxxx043, including a schedule award granting permanent impairment of the left upper extremity, *i.e.*, the same extremity for which a schedule award was granted in the present claim, assigned OWCP File No. xxxxxx635. However, the evidence pertaining to OWCP File No. xxxxxx043 is not part of the case record presented before the Board. For a full and fair adjudication, the case shall be remanded to OWCP to administratively combine the current case record with OWCP File No. xxxxxx043, so it can consider all relevant claim files and accompanying evidence in adjudicating appellant's schedule award claim. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision regarding appellant's schedule award claim. Accordingly,

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

<sup>3</sup> *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).

**IT IS HEREBY ORDERED THAT** the May 3, 2023 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: November 20, 2023  
Washington, DC

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

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

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