

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

R.C., Appellant)

and)

DEPARTMENT OF VETERANS AFFAIRS,)
CORPORAL MICHAEL J. CRESCENZ VA)
MEDICAL CENTER, Philadelphia, PA,)
Employer)

Docket No. 23-0904
Issued: November 15, 2023

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

ORDER REMANDING CASE

Before:

PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge
JAMES D. MCGINLEY, Alternate Judge

JURISDICTION

On June 21, 2023 appellant filed a timely appeal from a June 7, 2023 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 23-0904.

On March 21, 2023 appellant, then a 55-year-old health aid and technician, filed a traumatic injury claim (Form CA-1) alleging that on March 16, 2023 she was monitoring a cardiac catheterization while in the performance of duty, when K.S., the assistant nurse manager, asked to see her and led her without warning to a police officer. She asserted that she sustained work-related traumatic mental instability, racial fatigue, elevated blood pressure and pulse rate, anxiety,

headaches, insomnia, nausea, embarrassment, betrayal, isolation, and undue stress. Appellant stopped work on March 16, 2023.¹

By decision dated June 7, 2023, OWCP denied appellant's emotional condition claim, finding that the evidence of record was insufficient to establish fact of injury because she had not established that the events or incident occurred as alleged. It noted that she had not responded to its development questionnaire. Consequently, OWCP found that appellant had not met the requirements to establish an injury as defined by FECA.

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 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

The Board notes that appellant's prior claim under OWCP File No. xxxxxx428 also involved an emotional condition claim precipitated by interactions with the same manager. However, appellant's claims have not been administratively combined.

For a full and fair adjudication of appellant's current claim, the case must be remanded for OWCP to administratively combine the current case record with OWCP File No. xxxxxx428.⁴ Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.⁵ Accordingly,

¹ OWCP assigned the present claim OWCP File No. xxxxxx002. Appellant previously filed a November 2, 2022 traumatic injury claim under OWCP File No. xxxxxx428 alleging that on October 18, 2022 K.S. harassed her four times resulting in an emotional condition. Appellant's claims have not been administratively combined.

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

³ *Id.*; *Order Remanding Case, B.P.*, Docket No. 21-0938 (issued April 6, 2022); *Order Remanding Case, D.C.*, Docket No. 19-0100 (issued June 3, 2019); *Order Remanding Case, N.M.*, Docket No. 18-0833 (issued April 18, 2019); *Order Remanding Case, K.T.*, Docket No. 17-0432 (issued August 17, 2018).

⁴ *Id.*; *see also M.J.*, Docket No. 22-1357 (issued June 12, 2023).

⁵ *Order Remanding Case, R.G.*, Docket No. 19-1755 (issued July 7, 2020).

IT IS HEREBY ORDERED THAT the June 7, 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 15, 2023
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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