

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

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| I.S., Appellant |) | |
| |) | |
| and |) | Docket No. 23-1012 |
| |) | Issued: November 27, 2023 |
| GOVERNMENT PUBLISHING OFFICE, |) | |
| Washington, DC, 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
VALERIE D. EVANS-HARRELL, Alternate Judge

On July 17, 2023 appellant filed a timely appeal from a July 14, 2023 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 23-1012.

On April 9, 2021 appellant, then a 79-year-old materials handler, filed a traumatic injury claim (Form CA-1) alleging that on March 18, 2021 she injured her right ribcage when her chair rolled back and she fell backwards onto the floor while in the performance of duty.¹ She did not stop work.

In support of her claim, appellant submitted medical evidence discussing treatment for right upper extremity conditions in connection to the alleged March 18, 2021 employment incident.

¹ OWCP assigned the present claim OWCP File No. xxxxxx079. Appellant previously filed a March 24, 2003 occupational disease claim under OWCP File No. xxxxxx093, which was accepted for tenosynovitis of the left wrist, bilateral carpal tunnel syndrome, and left trigger finger. Additionally, it accepted a March 26, 2014 occupational disease claim under OWCP File No. xxxxxx721 for tenosynovitis of the right hand and wrist. OWCP also accepted a September 19, 2017 traumatic injury claim for strain of muscle, fascia, and tendon of the right biceps, strain of muscles and tendons of the right rotator cuff, superior glenoid labrum lesion of the right shoulder, and complete rotator cuff tear or rupture of the right shoulder. Appellant's claims have not been administratively combined by OWCP.

By decision dated February 15, 2022, OWCP denied appellant's traumatic injury claim, finding that the evidence of record was insufficient to establish that the March 18, 2021 employment incident occurred, as alleged. It concluded, therefore, that the requirements had not been met to establish an injury as defined by the Federal Employees' Compensation Act (FECA).

On March 4, 2022 appellant requested a review of the written record by a representative of OWCP's Branch of Hearings and Review. Following a preliminary review, by decision dated May 31, 2022, OWCP's hearing representative set aside the February 15, 2022 decision and remanded the case for further factual development.

By *de novo* decision dated September 20, 2022, OWCP again denied appellant's traumatic injury claim, finding that the evidence of record was insufficient to establish that the March 18, 2021 employment incident occurred, as alleged. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

Appellant continued to submit medical evidence regarding various right upper extremity conditions.

On May 30, 2023 appellant requested reconsideration. By decision dated July 14, 2023, OWCP modified the September 20, 2022 decision, finding that the evidence of record was sufficient to establish that the March 18, 2021 employment incident occurred, as alleged. However, the claim remained denied as the evidence of record was insufficient to establish a diagnosed medical condition causally related to the accepted March 18, 2021 employment incident.

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 Herein, appellant filed a traumatic injury claim on April 9, 2021, assigned OWCP File No. xxxxxx079, for various conditions, including right upper extremity conditions, and is the claim presently before the Board. She previously filed three claims for right upper extremity conditions, assigned OWCP File Nos. xxxxxx093, xxxxxx721, and xxxxxx436.

For a full and fair adjudication, the Board will remand the case to OWCP to administratively combine the current case record, OWCP File No. xxxxxx079, with OWCP File

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

³ *Id.*; *S.G.*, Docket No. 21-0396 (issued September 27, 2021); *R.L.*, Docket No. 20-0901 (issued July 27, 2021); *M.E.*, Docket No. 21-0094 (issued May 27, 2021); *L.M.*, Docket No. 19-1490 (issued January 29, 2020); *L.H.*, Docket No 18-1777 (issued July 2, 2019).

Nos. xxxxxx093, xxxxxx721, and xxxxxx436. Following this and such further development as OWCP deems necessary, it shall issue a *de novo* decision. Accordingly,

IT IS HEREBY ORDERED THAT the July 14, 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 27, 2023
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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