

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

S.O., Appellant)	
)	
and)	Docket No. 23-0276
)	Issued: October 3, 2023
U.S. POSTAL SERVICE, POST OFFICE,)	
Roxbury, MA, 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
PATRICIA H. FITZGERALD, Deputy Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

On December 19, 2022 appellant filed a timely appeal from a June 24, 2022 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 23-0276.

On October 21, 2020 appellant, then a 66-year-old sales and services/distribution associate, filed an occupational disease claim (Form CA-2) alleging that he developed left knee osteoarthritis, due to factors of his federal employment, including repetitive motions.¹ He noted that he first became aware of his condition on February 1, 2019 and realized its relation to his federal employment on April 19, 2019. Appellant retired from the employing establishment on January 3, 2020.

By decision dated January 19, 2021, OWCP accepted the employment factors implicated by appellant, including 34 years of repetitive motion while performing his postal duties. However,

¹ OWCP assigned the present claim OWCP File No. xxxxxx300. Appellant previously filed an April 26, 2019 traumatic injury claim (Form CA-1) alleging that on February 1, 2019 he aggravated his underlying primary left knee osteoarthritis by twisting his left leg and knee turning to throw a flat of mail under OWCP File No. xxxxxx481. The claims have not been administratively combined by OWCP. It issued the most recent decision in OWCP File No. xxxxxx481 on April 21, 2020.

it denied the claim, finding that the medical evidence of record was insufficient to establish a medical condition causally related to the accepted work factors.”

On February 8, 2021 appellant requested reconsideration.

By decision dated May 4, 2021, OWCP denied modification.

On October 8, 2021 appellant requested reconsideration.

By decision dated June 24, 2022, OWCP denied modification of the prior decision.

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’s claim under OWCP File No. xxxxxx481 also involved injuries to the left knee, which are at issue in the present claim under OWCP File No. xxxxxx300. 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. xxxxxx481, so it can consider all relevant claim files and accompanying evidence in adjudicating appellant’s current occupational disease claim.⁴ Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision. Accordingly,

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

³ *Id.*; *D.L.*, Docket No. 21-0807 (issued February 7, 2023); *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 2.400.8c(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 June 24, 2022 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: October 3, 2023
Washington, DC

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

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

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