

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

V.D., Appellant)	
)	
and)	Docket No. 23-0554
)	Issued: October 2, 2023
U.S. POSTAL SERVICE, BAKER POST)	
OFFICE, Baker, LA, 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
JAMES D. MCGINLEY, Alternate Judge

On March 1, 2023 appellant, through counsel, filed a timely appeal from a December 13, 2022 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 23-0554.

On August 30, 2022 appellant, then a 60-year-old rural carrier, filed a traumatic injury claim (Form CA-1) alleging that on August 29, 2022 she fell down while unloading a mail truck and sustained an injury to her right knee and the left side of her low and middle back while in the performance of duty. OWCP assigned the claim OWCP File No. xxxxxx852.

Appellant had previously filed an occupational disease claim (Form CA-2) for an injury alleged to have occurred as of June 3, 2015, which OWCP accepted for a lumbar sprain under OWCP File No. xxxxxx524. Appellant also had previously filed a Form CA-1 for a March 19, 2016 traumatic injury, which OWCP accepted for sprain of ligaments of the cervical spine and sprain of ligaments of the lumbar spine under OWCP File No. xxxxxx176. She also filed a Form CA-1 for a lower back injury alleged to have occurred on March 10, 2017, which OWCP denied under OWCP File No. xxxxxx678. OWCP administratively combined OWCP File Nos. xxxxxx176 and xxxxxx678.

By decision dated December 13, 2022, OWCP denied the instant claim, under OWCP File No. xxxxxx852, finding that causal relationship had not been established.

The Board has duly considered this matter and concludes that the 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.¹ 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.² Herein, appellant had prior claims for conditions involving the lower back under OWCP File Nos. xxxxxx524, xxxxxx176, and xxxxxx678. She subsequently filed a traumatic injury claim on August 30, 2022 under the instant claim, OWCP File No. xxxxxx852.

For a full and fair adjudication, the case must be remanded to OWCP to administratively combine the current case record, OWCP File No. xxxxxx852, with OWCP File Nos. xxxxxx524, xxxxxx176, and xxxxxx678. On remand, OWCP shall review all relevant evidence to determine whether appellant has established an injury in the performance of duty. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision. Accordingly,

¹ Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8c (February 2000).

² *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).

IT IS HEREBY ORDERED THAT the December 13, 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 2, 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