



On December 1, 2022 appellant requested reconsideration and submitted additional medical evidence. By decision dated December 6, 2022, OWCP denied modification of its September 9, 2022 decision.

On January 1, 2023 appellant requested reconsideration and continued to submit evidence. By decision dated January 6, 2023, OWCP denied modification of its December 6, 2022 decision, referencing his prior claim under OWCP File No. xxxxxx107.

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.<sup>1</sup> 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.<sup>2</sup> Herein, appellant had prior claims for left lower extremity conditions under OWCP File Nos. xxxxxx107 and xxxxxx023. He subsequently filed an occupational disease claim on August 1, 2022 under the instant claim, OWCP File No. xxxxxx501, also concerning a left lower extremity condition.

Therefore, for a full and fair adjudication, the case must be remanded to OWCP to administratively combine the current case record, OWCP File No. xxxxxx501, with OWCP File Nos. xxxxxx107 and xxxxxx023. 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,

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

<sup>2</sup> *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 January 6, 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: September 22, 2023  
Washington, DC

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

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

Janice B. Askin, Judge  
Employees' Compensation Appeals Board