

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

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<b>S.R., Appellant</b>	)	
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<b>and</b>	)	<b>Docket No. 23-0939</b>
	)	<b>Issued: April 12, 2024</b>
<b>U.S. POSTAL SERVICE, MINNEAPOLIS POST OFFICE, Minneapolis, MN, Employer</b>	)	
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*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  
VALERIE D. EVANS-HARRELL, Alternate Judge

On June 29, 2023 appellant filed a timely appeal from a February 14, 2023 nonmerit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 23-0939.

On April 28, 2022 appellant, then a 56-year-old city carrier, filed a traumatic injury claim (Form CA-1) alleging that on March 22, 2022 she sustained a left foot fracture when she stepped out of her work truck at a garage at her station and landed wrong on her left foot while in the performance of duty.<sup>1</sup> She stopped work on March 31, 2022.

In a note dated March 31, 2022, Dr. Maren Elze, a podiatrist, requested that appellant be excused from work from March 31 through May 1, 2022. She noted that appellant may undergo foot surgery and that her period of absence may be extended. In another report dated March 31, 2022, Dr. Elze related appellant's physical examination findings. She diagnosed status post second and third metatarsophalangeal joint rebalancing of the left foot; status post midfoot arthrodesis; left foot degenerative joint disease; chronic foot pain due to post-traumatic degenerative joint disease and subsequent surgical procedures; and a possible stress fracture injury of the left foot.

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<sup>1</sup> The record reflects that appellant previously filed a traumatic injury claim (Form CA-1), which was accepted under OWCP File No. xxxxxx301 for a February 27, 2013 left stress fracture of the metatarsals and aggravation of primary osteoarthritis of the left ankle and foot. Appellant's claims have not been administratively combined by OWCP.

Dr. Elze related that an x-ray of appellant's left foot demonstrated no fracture; a fused naviculocuneiform joint; increased adduction deformity of the lesser metatarsophalangeal joint; decreased calcaneal inclination and declination angles; and degenerative changes to the joint(s).

In an April 29, 2022 development letter, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence needed and afforded her 30 days to respond.

Appellant subsequently submitted an April 20, 2022 progress report, wherein Weiya Ouyang, a physician assistant, noted appellant's history of chronic left foot pain after a work-related injury on February 27, 2013 when she slipped on ice and sustained a left foot fracture. Ms. Ouyang further indicated that appellant was status post left midfoot arthrodesis with calcaneal dural graft harvest for post-traumatic arthropathy and degenerative joint disease of the left foot and ankle on May 16, 2017, with revision on February 6, 2018.

By decision dated June 6, 2022, OWCP denied appellant's traumatic injury claim. It accepted that the March 22, 2022 incident occurred as alleged, but found that the medical evidence of record was insufficient to establish causal relationship between her diagnosed left foot conditions and the accepted March 22, 2022 employment incident.

On February 2, 2023 appellant requested reconsideration. With her request, she submitted a May 12, 2022 x-ray of her left foot which revealed metatarsalgia, unspecified laterality, degenerative joint disease of the ankle and foot, stress fracture of the left foot, and post-traumatic osteoarthritis of the left foot.

By decision dated February 14, 2023, OWCP denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

The Board, having duly considered this matter, finds 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>2</sup> 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 region of the body, doubling is required.<sup>3</sup> Herein, appellant has a previously-accepted traumatic injury claim under OWCP File No. xxxxxx301 for a February 27, 2013 left stress fracture of the metatarsals and aggravation of primary osteoarthritis of the left ankle and foot. Thus, for a full and fair adjudication, this case must be remanded for OWCP to administratively combine the current case record with OWCP File No. xxxxxx301, so that it can consider all relevant claim files and accompanying evidence in adjudicating the present claim. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision. Accordingly,

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

<sup>3</sup> *Id.*; *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).

**IT IS HEREBY ORDERED THAT** the February 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: April 12, 2024  
Washington, DC

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

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

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