

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

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<b>B.R., Appellant</b>	)	
	)	
<b>and</b>	)	<b>Docket No. 23-1009</b>
	)	<b>Issued: February 7, 2024</b>
<b>U.S. POSTAL SERVICE, OAKLAND POST</b>	)	
<b>OFFICE, Oakland, CA, 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:  
ALEC J. KOROMILAS, Chief Judge  
PATRICIA H. FITZGERALD, Deputy Chief Judge  
VALERIE D. EVANS-HARRELL, Alternate Judge

On July 24, 2023 appellant filed a timely appeal from a June 22, 2023 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 23-1009.

On June 11, 1999 appellant, then a 43-year-old mail carrier, filed an occupational disease claim (Form CA-2) alleging that he developed pain and swelling in both knees due to factors of his federal employment, including ascending and descending stairs and hills while delivering mail.<sup>1</sup> OWCP accepted his claim for bilateral knee strain of the medial collateral ligament and left knee old bucket handle tear of the medial meniscus.

By decision dated September 30, 2004, OWCP granted appellant a schedule award for 27 percent permanent impairment of each lower extremity. By decision dated August 6, 2010, it granted him a schedule award for an additional 3 percent permanent impairment of each lower extremity, for a total of 30 percent permanent impairment of each lower extremity.

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<sup>1</sup> OWCP assigned the present claim OWCP File No. xxxxxx700. Appellant subsequently filed an additional occupational disease claim on May 28, 2009, under OWCP File No. xxxxxx146, which OWCP accepted for bilateral plantar fibromatosis. Appellant's claims have not been administratively combined by OWCP.

By decision dated September 1, 2011, OWCP expanded the acceptance of appellant's claim to include bilateral knee localized primary osteoarthritis.

On September 2, 2011 OWCP authorized a right total knee replacement to treat appellant's now accepted condition of right knee osteoarthritis, which was performed on August 10, 2011.

By decision dated January 30, 2013, OWCP granted appellant a schedule award for an additional 1 percent permanent impairment of each lower extremity, for a total of 31 percent permanent impairment of each lower extremity.

On August 25, 2013 appellant underwent OWCP-authorized right knee arthroscopic synovectomy and manipulation. On February 4, 2014 he underwent OWCP-authorized revision of patellar and tibial components of right knee prosthesis.

On March 24, 2023 appellant filed a claim for compensation (Form CA-7) for an additional schedule award.

By decision dated June 22, 2023, OWCP denied appellant's claim for an additional schedule award.

The Board, having duly considered this matter 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>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 filed an occupational disease claim on June 11, 1999, assigned OWCP File No. xxxxxx700, which was accepted for bilateral knee sprain of the medial collateral ligament, left knee old bucket handle tear of the medial meniscus, and bilateral knee localized primary osteoarthritis and is the claim presently before the Board. He subsequently filed another occupational disease claim on May 28, 2009, to which OWCP assigned OWCP File No. xxxxxx146, and accepted it for bilateral plantar fibromatosis.

For a full and fair adjudication, the case shall be remanded to OWCP to administratively combine the current case record, OWCP File No. xxxxxx700, with OWCP File No. xxxxxx146, so it can review all of appellant's relevant claim files in determining whether he has established greater than 31 percent permanent impairment of each lower extremity, for which he previously

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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.*; *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).

received schedule award compensation.<sup>4</sup> Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision. Accordingly,

**IT IS HEREBY ORDERED THAT** the June 22, 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: February 7, 2024  
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

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<sup>4</sup> S.A., Docket No. 23-0184 (issued July 17, 2023).