

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

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G.L., Appellant)	
)	
and)	Docket No. 23-1102
)	Issued: February 20, 2024
U.S. POSTAL SERVICE, POST OFFICE,)	
Winfield, KS, Employer)	
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Appearances:
Alan J. Shapiro, Esq., for the appellant¹
Office of Solicitor, for the Director

Case Submitted on the Record

ORDER GRANTING REMAND

Before:
PATRICIA H. FITZGERALD, Deputy Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge
JAMES D. McGINLEY, Alternate Judge

On August 18, 2023 appellant, through counsel, filed a timely appeal from a July 24, 2023 merit decision of the Office of Workers' Compensation Programs (OWCP). By that decision, OWCP denied appellant's claim, finding that the medical evidence of record was insufficient to establish causal relationship between her diagnosed medical conditions and the accepted factors of her federal employment. The Clerk of the Appellate Boards assigned Docket No. 23-1102 to the appeal.

On December 11, 2023 the Director of OWCP filed a motion, requesting the Board to set aside his July 24, 2023 decision and remand the case. In this regard, he noted that appellant filed an occupational disease claim (Form CA-2) under the current claim, OWCP File No. xxxxxx387, for a left shoulder condition due to factors of her federal employment as a rural carrier, which OWCP denied. The Director further noted that under OWCP File No. xxxxxx881, appellant filed a Form CA-2 for chondromalacia patella of the left knee, which OWCP accepted. OWCP also

¹ In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

accepted impingement of the left shoulder under OWCP File No. xxxxxx881; however, that left shoulder injury was the subject of OWCP File No. xxxxxx387, not OWCP File No. xxxxxx881. The Director pointed out that OWCP denied appellant's current claim under File No. xxxxxx387 based on the same medical report used to accept her left knee and left shoulder conditions under File No. xxxxxx881. He stated that for a full and fair adjudication of appellant's case, on remand, OWCP will administratively combine OWCP File Nos. xxxxxx387 and xxxxxx881 pursuant to its procedures.² Following any further development as OWCP deems necessary, the Director stated that OWCP will issue a *de novo* decision, "including a complete and accurate list of appellant's accepted conditions; and her entitlement to continuing wage-loss and medical benefits."

The Clerk of the Appellate Boards served appellant and counsel with a copy of the Director's motion to remand on December 18, 2023. No response was received.

The Board, having duly considered this matter, grants the Director's motion. On remand, OWCP shall further develop the case as set forth in the Director's motion to remand, to be followed by the issuance of a *de novo* decision. Accordingly,

IT IS HEREBY ORDERED THAT the motion to remand filed by the Director of the Office of Workers' Compensation Programs is granted. The decision of OWCP dated July 24, 2023 is set aside, and the case is remanded for further proceedings consistent with this order of the Board.

Issued: February 20, 2024
Washington, DC

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

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

James D. McGinley, Alternate Judge
Employees' Compensation Appeals Board

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