

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

_____)
K.F., Appellant)

and)

DEPARTMENT OF VETERANS AFFAIRS,)
CHARLIE NORWOOD VA MEDICAL)
CENTER, Augusta, GA Employer)

Docket No. 23-1138

Issued: February 13, 2024

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 September 4, 2023 appellant filed a timely appeal from a July 12, 2023 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 23-1138.

On May 6, 2023 appellant, then a 50-year-old secretary, filed an occupational disease claim (Form CA-2) alleging that on April 4, 2023 she had an anxiety attack due factors of her federal employment. She related that she became distressed when a supervisor ordered her to go home as the employing establishment could not have her at work. Appellant noted that she began trembling uncontrollably, left the employing establishment, became disoriented, and walked to the emergency room. She noted that she first became aware of her condition and realized its relation to her federal employment on April 4, 2023. OWCP assigned the claim OWCP File No. xxxxxx165.¹

¹ Appellant filed a separate Form CA-2 on July 25, 2022, alleging that factors of her federal employment, including harassment, abuse, and discrimination by a supervisor, exacerbated her previously diagnosed stress condition. She indicated that she first became aware of her condition and its relationship to her employment on June 6, 2022. OWCP assigned that claim OWCP File No. xxxxxx753. Appellant had also previously filed a Form CA-2 on July 25, 2022 alleging that factors of her federal employment, including harassment and discrimination by her supervisor, caused an exacerbation of stress, panic attacks, and anxiety commencing July 22, 2022. OWCP assigned the claim OWCP File No. xxxxxx800.

By decision dated July 12, 2023, OWCP denied the May 6, 2023 emotional condition claim under the current file, OWCP File No. xxxxxx165, finding that there were no compensable factors of employment and that appellant had not established a diagnosed medical condition in connection with the accepted employment events.

The Board has duly considered this matter and finds that the case is not in posture for decision.

OWCP's procedures provide that cases should be administratively combined when correct adjudication depends on cross-referencing between files and where two or more injuries occur to the same part of the body.² 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 part of the body, doubling is required.³ In the instant case, OWCP File No. xxxxxx165, appellant filed an occupational disease claim for employment-related anxiety arising from interactions with managers. The Board notes that her prior claims under OWCP File Nos. xxxxxx800 and xxxxxx753 also involved claims for employment-related anxiety and stress precipitated by interactions with managers. However, appellant's claims have not been administratively combined by OWCP.

For a full and fair adjudication, this case shall be remanded to OWCP to administratively combine the current case record, OWCP File No. xxxxxx165, with OWCP File Nos. xxxxxx800 and xxxxxx753.⁴ Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.⁵

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

³ *Id.*; *Order Remanding Case, L.G.*, Docket No. 18-1676 (issued August 22, 2019); *Order Remanding Case, D.L.*, Docket No. 17-1588 (issued January 28, 2019).

⁴ *See Order Remanding Case, M.J.*, Docket No. 22-1357 (issued June 12, 2023); *R.L.*, Docket No. 22-0603 (issued September 16, 2022); *Order Remanding Case, S.R.*, Docket No. 21-0400 (issued April 25, 2022); *Order Remanding Case, C.Y.*, Docket No. 20-1079 (issued December 7, 2020); *Order Remanding Case, K.T.*, Docket No. 17-0432 (issued August 17, 2018).

⁵ *See M.J., id.*; *R.L., id.*; *S.R., id.*; *Order Remanding Case, J.W.*, Docket Nos. 21-0588 & 21-0599 (issued January 21, 2022); *Order Remanding Case, T.L.*, Docket No. 18-0935 (issued February 25, 2020); *Order Remanding Case, T.M.*, Docket No. 18-0887 (issued February 21, 2019).

IT IS HEREBY ORDERED THAT the April 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: February 13, 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