

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

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T.B., Appellant)	
)	
and)	Docket No. 23-0888
)	Issued: January 18, 2024
U.S. POSTAL SERVICE, DES MOINES POST OFFICE, Des Moines, IA, Employer)	
_____)	

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
VALERIE D. EVANS-HARRELL, Alternate Judge
JAMES D. MCGINLEY, Alternate Judge

On June 14, 2023 appellant filed a timely appeal from a May 9, 2023 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal, Docket No. 23-0888.

On May 28, 2020 appellant, then a 54-year-old mail handler, filed an occupational disease claim (Form CA-2) alleging that he developed a lower back injury on the right side, spinal narrowing on the right side, and weakness in the right leg and foot due to factors of his federal employment, including loading and unloading trailers with heavy loads of mail. He noted that he first became aware of his condition on January 5, 2019, and first realized its relation to his federal employment on July 29, 2019. OWCP assigned the claim, OWCP File No. xxxxxx907.

Appellant previously filed a traumatic injury claim (Form CA-1) for an October 26, 1988 injury under OWCP File No. xxxxxx964. OWCP accepted the claim for low back strain and granted him a schedule award for one percent permanent impairment of the right lower extremity. Appellant also filed a Form CA-2 on April 19, 2008 for low back and right leg conditions. OWCP assigned that claim, OWCP File No. xxxxxx822 and denied the claim. These two claims were administratively combined by OWCP, with the former serving as the master file. However, OWCP has not combined them with the instant claim.

By decision dated August 14, 2020, OWCP denied appellant's claim under OWCP File No. xxxxxx907, finding that he had not established that the medical condition was causally related to the accepted factors of his federal employment.

Appellant requested reconsideration on January 5, 2021, January 19, 2022, and February 14, 2023 and submitted additional evidence. By decisions dated April 1 and 7, 2021, and May 9, 2023, OWCP denied modification of its prior decisions.

The Board, having duly considered the matter, finds that this 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 when two or more injuries occur to the same part of the body.¹ As appellant's claims under OWCP File Nos. xxxxxx964, xxxxxx822, and xxxxxx907 each involve the lower back and right leg, these claims should be administratively combined for a full and fair adjudication.² This will allow OWCP to consider all relevant claim files and accompanying evidence in developing this claim.

Accordingly, the Board will remand the case to OWCP to administratively combine OWCP File Nos. xxxxxx964, xxxxxx822 and xxxxxx907. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision. Accordingly,

IT IS HEREBY ORDERED THAT the May 9, 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: January 18, 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

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

² *K.G.*, Docket No. 21-0068 (issued July 29, 2022); *D.J.*, Docket No. 20-0997 (issued November 20, 2020); *S.D.*, Docket No. 19-0590 (issued August 28, 2020).