

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

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<b>D.L., Appellant</b>	)	)	
<b>and</b>	)	)	<b>Docket No. 23-1111</b>
	)	)	<b>Issued: January 26, 2024</b>
<b>DEPARTMENT OF THE ARMY, TANK-</b>	)	)	
<b>AUTOMOTIVE AND ARMAMENTS</b>	)	)	
<b>COMMAND, ANNISTON ARMY DEPOT,</b>	)	)	
<b>Anniston, AL, 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  
 VALERIE D. EVANS-HARRELL, Alternate Judge  
 JAMES D. MCGINLEY, Alternate Judge

On August 22, 2023 appellant filed a timely appeal from a May 10, 2023 merit decision of the Office of Workers' Compensation Programs (OWCP).<sup>1</sup> The Clerk of the Appellate Boards assigned Docket No. 23-1111 to the appeal.

On August 4, 2020 appellant, then a 36-year-old small arms repairer, filed an occupational disease claim (Form CA-2) alleging that he developed pain in his hands with difficulty sleeping and holding cold objects due to factors of his federal employment, including repairing, hammering, and tightening screws on weapons and lifting heavy objects.<sup>2</sup> He first became aware of his

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<sup>1</sup> Appellant filed from the October 22, 2020 acceptance, which is not an adverse decision. The only final adverse decision issued by OWCP within 180 days from the date of filing this appeal is the May 10, 2023 decision.

<sup>2</sup> Appellant had previously filed a May 22, 2012 traumatic injury claim under OWCP File No. xxxxxx932 for an injury to his right forearm and hand, which OWCP accepted for right dorsal forearm tendinitis. Additionally, OWCP accepted a December 18, 2012 occupational disease claim under OWCP File No. xxxxxx425 for right carpal tunnel syndrome. OWCP File Nos. xxxxxx425 and xxxxxx932 have been administratively combined by OWCP with the latter claim serving as the master file. On June 27, 2017 appellant filed a Form CA-2 for pain in his hands and left wrist and numbness in his finger. OWCP assigned File No. xxxxxx053. By decision dated September 7, 2017, it

condition on May 21, 2012 and first realized its relationship to his federal employment on July 13, 2020. OWCP accepted the claim for bilateral carpal tunnel syndrome (CTS) under OWCP File No. xxxxxx094.

On October 18, 2022 appellant filed a claim for compensation (Form CA-7) for a schedule award.

By decision dated May 10, 2023, OWCP granted appellant a schedule award for two percent permanent impairment of each upper extremity (both arms). The award ran for 12.48 weeks from April 5 through July 1, 2023.

The Board has duly considered the matter and concludes that this 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>3</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 part of the body, doubling is required.<sup>4</sup> Herein, appellant filed an occupational disease claim on August 4, 2020, assigned OWCP File No. xxxxxx094, which was accepted for bilateral CTS and is the claim presently before the Board. He had previously filed two claims for right upper extremity conditions, assigned OWCP File Nos. xxxxxx932 and xxxxxx425 which OWCP had administratively combined. Appellant filed an additional bilateral upper extremity claim in OWCP File No. xxxxxx053 which has not been administratively combined.

For a full and fair adjudication, the case must be returned to OWCP to administratively combine the current case record, OWCP File No. xxxxxx094, with OWCP File Nos. xxxxxx932; xxxxxx425, and xxxxxx053 so it can review all appellant's relevant claim files in determining whether he has submitted sufficient evidence to establish that he sustained greater than two percent permanent impairment of his upper extremities due to the accepted employment-related injury. Following this and such further development as deemed necessary, OWCP shall issue a *de novo* decision. Accordingly,

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denied that claim. Appellant's claims in OWCP File No. xxxxxx094 and xxxxxx053 have not been administratively combined by OWCP.

<sup>3</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8c (February 2000).

<sup>4</sup> *Id.*; *S.A.*, Docket No. 23-0164 (issued July 17, 2023); *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).

**IT IS HEREBY ORDERED THAT** the May 10, 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 26, 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