

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

A.M., Appellant

and

**U.S. POSTAL SERVICE, CLERMONT
CARRIER ANNEX, Clermont, FL, Employer**

)
)
)
)
)
)
)
)
)
)
)
)

**Docket No. 25-0377
Issued: April 18, 2025**

Appearances:

Wayne Johnson, Esq., for the appellant¹

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 March 11, 2025, appellant, through counsel, filed a timely appeal from a September 12, 2024 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 25-0377.

On October 10, 2014, appellant, then a 44-year-old rural carrier, filed a traumatic injury claim (Form CA-1) alleging that on that day she sustained an injury when she fell as she was avoiding trash on the ground while in the performance of duty. She stopped work on the date of the claimed injury. OWCP assigned the claim OWCP File No. xxxxxx055 and accepted it for right foot sprain and paid appellant wage-loss compensation on the supplemental rolls from November 25 through December 12, 2014. On December 13, 2019, OWCP expanded the acceptance of her claim to include sprain/strain of the right little finger. On April 1, 2020, it further

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.

expanded the acceptance of appellant's claim to include chronic sprain/strain of the right middle finger and chronic sprain/strain of the right ankle.

On March 26, 2021, appellant filed a claim for compensation (Form CA-7) alleging total disability from work for the period December 20, 2015 through July 21, 2026, causally related to the accepted October 10, 2014 employment injury.

By decision dated October 28, 2022, OWCP denied appellant's disability claim, finding that the medical evidence of record was insufficient to establish disability from work for the period December 20, 2015 through July 21, 2026, causally related to the accepted October 10, 2014 employment injury.

On November 22, 2022, appellant, through counsel, requested an oral hearing before a representative of OWCP's Branch of Hearings and Review. A hearing was held on March 31, 2023. Appellant submitted additional medical evidence.

By decision dated June 14, 2023, OWCP's hearing representative affirmed the October 28, 2022 decision. She also directed OWCP to administratively combine the current file with OWCP File No. xxxxxx348.²

On June 14, 2024, appellant, through counsel, requested reconsideration and submitted additional medical evidence.

By decision dated September 12, 2024, OWCP denied modification of its June 14, 2023 decision.

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

In the present claim, OWCP's hearing representative specifically ordered OWCP to administratively combine OWCP File No. xxxxxx348 with the present claim. OWCP's procedures provide that cases should be administratively combined where a new injury case is reported for an employee who filed another injury claim for the same part of the body and where correct adjudication depends on cross-referencing between files.³ This will allow OWCP to consider all relevant claim files in developing this claim.⁴ Appellant's claims under OWCP File Nos. xxxxxx055 and xxxxxx348 both involve injuries to the right hand. However, OWCP has not administratively combined her claims. As the Board is unable to review evidence found in OWCP File No. xxxxxx348, it is not in a position to make an informed decision regarding appellant's

² On December 12, 2015, appellant filed an occupational disease claim (Form CA-2) alleging that, by December 4, 2015, she sustained a right-hand injury due to factors of her federal employment, including handling mail over time.

³ Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c)(1) (February 2000); *V.G.*, Docket No. 19-0670 (issued April 30, 2020); *L.P.*, Docket Nos. 18-1558, 18-1568 (issued June 21, 2019); *L.S.*, Docket Nos. 17-1863, 17-1867, 17-1868 (issued April 18, 2018); *W.S.*, Docket No. 15-0969 (issued October 5, 2015); *C.C.*, Docket No. 14-1576 (issued March 9, 2015).

⁴ *Id.*

disability claim.⁵ Therefore, the case shall be remanded to OWCP to administratively combine OWCP File Nos. xxxxxx055 and xxxxxx348. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.

IT IS HEREBY ORDERED THAT the September 12, 2024 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for proceedings consistent with this order of the Board.

Issued: April 18, 2025
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

⁵ See *L.H.*, Docket No. 17-1960 (issued August 16, 2018); *K.P.*, Docket No. 15-1945 (issued February 10, 2016); *M.C.*, Docket No. 15-1706 (issued October 22, 2015).