

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

J.C., Appellant)	
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)	
and)	Docket No. 25-0660
)	Issued: August 19, 2025
DEPARTMENT OF THE AIR FORCE, KELLY AIR FORCE BASE, TX, Employer)	
)	
)	

Appearances:

Appellant, pro se

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 May 9, 2025 appellant filed a timely appeal from a December 19, 2024 merit decision and an April 11, 2025 nonmerit decision of the Office of Workers' Compensation Programs (OWCP).¹ The Clerk of the Appellate Boards docketed the appeal as No. 25-0660.

On July 30, 2024 appellant, then a 71-year-old retired supply technician/forklift operator, filed an occupational disease claim (Form CA-2), alleging that she developed sensorineural hearing loss due to factors of her federal employment, which included exposure to loud noises, hand tools, machinery, chemicals and jets. She noted that she first became aware of her condition and realized its relation to her federal employment on October 11, 1996, and that she had

¹ The Board notes that following the April 11, 2025 decision, appellant submitted additional evidence with her appeal to the Board. However, the Board's *Rules of Procedure* provides: "The Board's review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal." 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this additional evidence for the first time on appeal. *Id.*

previously filed two other claims for hearing-related medical conditions.² Appellant stopped work on September 11, 1999.

Appellant subsequently submitted medical evidence in support of her claim.

By decision dated December 19, 2024, OWCP denied appellant's claim, finding that it was untimely filed under 5 U.S.C. § 8122.

On January 24, 2025 appellant requested a review of the written record before a representative of OWCP's Branch of Hearings and Review. Additional factual and medical evidence was received.

By decision dated April 11, 2025, OWCP denied appellant's request for a review of the written record, finding that it was untimely filed. It further exercised its discretion and determined that the issue in the case could equally well be addressed through a request for reconsideration before OWCP, along with the submission of additional evidence not previously considered.

The Board, having duly considered this matter, 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 frequent cross-referencing between files, including when similar conditions are claimed in such cases.³ This allows OWCP to consider all relevant claim files in developing a given claim.⁴ As appellant's claims under OWCP File Nos. xxxxxx226, xxxxxx275, and xxxxxx656 all involve a hearing condition they should be administratively combined for a full and fair adjudication.⁵

The case shall, therefore, be remanded for OWCP to administratively combine the present claim, OWCP File No. xxxxxx226, with OWCP File Nos. xxxxxx275 and xxxxxx656. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision. Accordingly,

² OWCP assigned the present claim OWCP File No. xxxxxx226. The record reflects that appellant had previously filed two other claims for employment-related hearing loss, under OWCP File No. xxxxxx275 and OWCP File No. xxxxxx656. OWCP denied both of those claims. Appellant's claims have not been administratively combined by OWCP.

³ *Order Remanding Case, M.K.*, Docket No. 25-0184 (issued February 18, 2025); *B.M.*, Docket Nos. 23-0426, 23-0427, 23-0428 (issued September 20, 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).

⁴ *Id.*

⁵ See *M.K.*, *id.*; *M.T.*, Docket No. 24-0753 (issued September 23, 2024); *Order Remanding Case, K.W.*, Docket No. 22-1258 (issued March 14, 2023).

IT IS HEREBY ORDERED THAT the December 19, 2024 and April 11, 2025 decisions of Office of Workers' Compensation Programs are set aside, and the case is remanded for further proceedings consistent with this order of the Board.

Issued: August 19, 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