

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

D.S., Appellant)
and) Docket No. 25-0926
U.S. POSTAL SERVICE, NEW JERSEY)
INTERNATIONAL BULK MAIL & NETWORK)
DISTRIBUTION CENTER, Jersey City, NJ,)
Employer)
Issued: December 12, 2025

Appearances:

Paul Kalker, Esq., for the appellant¹
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 30, 2025 appellant, through counsel, filed a timely appeal from a September 22, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards docketed the appeal as No. 25-0926.

On October 28, 2022 appellant, then a 53-year-old mail processing clerk, filed a traumatic injury claim (Form CA-1) alleging that, on October 26, 2022, she injured her back and entire left side of her body when she slipped and fell while in the performance of duty. She stopped work on the date of the claimed injury. OWCP initially accepted the claim for right and left shoulder contusions, right and left knee contusions, and cervical and lumbar radiculopathy. It subsequently expanded the acceptance of the claim to include adhesive capsulitis of right and

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.

left shoulders.² OWCP paid appellant wage-loss compensation on the supplemental rolls as of December 11, 2022, and on the periodic rolls as of March 24, 2024. On August 24, 2024, appellant returned to full-time, limited-duty work with restrictions.

On December 12, 2024 appellant filed a notice of recurrence (Form CA-2a) alleging a recurrence of disability from work commencing December 3, 2024, causally related to her accepted October 26, 2022 employment injury.

By decision dated March 26, 2025, OWCP denied appellant's claim for a recurrence of disability commencing December 3, 2024, causally related to her accepted October 26, 2022 employment injury.

On August 25, 2025, appellant requested reconsideration of OWCP's March 26, 2025 recurrence decision.

By decision dated September 22, 2025, OWCP denied modification of the March 26, 2025 recurrence decision.

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 of the issues depends on frequent cross-referencing between files.³ For example, if a new injury claim is reported for an employee who previously filed an injury claim for a similar condition of the same region of the body, doubling is required.⁴ Herein, appellant's claims under OWCP File Nos. xxxxxx549, xxxxxx781, xxxxxx763, and xxxxxx797 all involve injuries to her neck, back, and shoulders. Therefore, for full and fair adjudication, the case shall be remanded to OWCP to administratively combine appellant's claims under OWCP File Nos. xxxxxx549, xxxxxx781, xxxxxx763, and xxxxxx797 as they all involve injuries to her neck, back, and shoulders. This will allow OWCP to consider all relevant claim files in adjudicating

² OWCP assigned the present claim OWCP File No. xxxxxx549. Appellant has prior claims before OWCP. Under OWCP File No. xxxxxx781, OWCP accepted appellant's January 9, 2013 traumatic injury claim for right shoulder rotator cuff sprain and right rotator cuff partial tear. Under OWCP File No. xxxxxx763, it accepted her August 23, 2015 traumatic injury claim for lumbar sprain, thoracic sprain, and bilateral shoulder sprain, cervical spondylosis, and neck sprain. Under OWCP File No. xxxxxx797, OWCP accepted appellant's August 3, 2017 occupational disease claim for cervical strain, lumbar strain, right shoulder strain, and left shoulder strain. It has administratively combined OWCP File Nos. xxxxxx781, xxxxxx797, and xxxxxx763, with the latter serving as the master file. Appellant's claims under master file xxxxxx763 have not been administratively combined with the present claim.

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

⁴ *Id.*; *G.L.*, Docket No. 25-0793 (issued September 26, 2025); *M.L.*, Docket No. 20-1176 (issued April 29, 2021); *L.M.*, Docket No. 19-1490 (issued January 29, 2020); *L.H.*, Docket No. 18-1777 (issued July 2, 2019).

the merits of appellant's recurrence claim.⁵ Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision. Accordingly,

IT IS HEREBY ORDERED THAT the September 22, 2025 decision of the Office of Workers' Compensation Programs is set aside, and the case is remanded to OWCP for further proceedings consistent with this order of the Board.

Issued: December 12, 2025
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

⁵ *Supra* note 3 at Chapter 2.400.8c(1); *G.L.*, *id.*; *W.D.*, Docket No. 19-0961 (issued March 31, 2021); *L.P.*, Docket Nos. 18-1558, 18-1568 (issued June 21, 2019).