United States Department of Labor
Employees' Compensation Appeals Board

N.H., Appellant	)	
and	)	**Docket No. 25-0087**
	)	**Issued: January 22, 2025**
U.S. POSTAL SERVICE, POST OFFICE, Richmond, VA, 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
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

On November 5, 2024 appellant filed a timely appeal from an August 20, 2024 nonmerit decision of the Office of Workers' Compensation Programs (OWCP).[1] The Clerk of the Appellate Boards assigned the appeal Docket No. 25-0087.

On May 27, 2023 appellant, then a 67-year-old clerk/special delivery messenger, filed an occupational disease claim (Form CA-2) alleging that he developed severe left knee osteoarthritis due to factors of his federal employment, including a previously-accepted July 7, 1992 right knee employment injury.[2] He explained that his left knee condition was a consequential injury to his accepted right knee injury and had progressively worsened, requiring surgery on both knees. Appellant noted that he first became aware of his condition and realized its relation to his federal employment on October 7, 2022. On the reverse side of the claim form, the employing establishment noted that appellant's last day in pay status was June 27, 2005, and his disability

[1] As more than 180 days has elapsed from OWCP's last merit decision, dated August 17, 2023, to the filing of this appeal, pursuant to the Federal Employees' Compensation Act[1] (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board lacks jurisdiction over the merits of this case.

[2] Under OWCP File No. xxxxxx870, OWCP accepted a July 7, 1992 traumatic injury claim (Form CA-1) for tear of medial meniscus of right knee, old disruption of medial collateral ligament right knee, sprain of unspecified sites, right knee and leg, and unspecified arthropathy, right lower leg.

retirement was approved by the Office of Personnel Management (OPM) on October 30, 2007. OWCP assigned the claim OWCP File No. xxxxx900.

By decision dated August 17, 2023, OWCP denied appellant's occupational disease claim, finding that the medical evidence of record was insufficient to establish causal relationship either between the accepted employment factors and his diagnosed left knee condition or the previously accepted July 7, 1992 employment injury under OWCP File No. xxxxxx870.

On August 13, 2024, appellant requested reconsideration of the August 17, 2023 decision. No additional evidence or argument was received.

By decision dated August 20, 2024, OWCP denied appellant's request for reconsideration of the merits of his claim, pursuant to 5 U.S.C. § 8128(a).

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 case is reported for an employee who previously filed an injury claim for a similar condition, doubling is required.[4] Herein, appellant alleged that as a result of his accepted July 7, 1992 right knee employment injury under OWCP File No. xxxxxx870, he developed a consequential left knee condition in the present claim.[5] As he has alleged a consequential injury to his left knee, as well as continued occupational injury to his right knee and the medical records of the two files have not been combined as required by OWCP procedures, this case must be remanded.[6]

The Board finds that for a full and fair adjudication of appellant's claim, the case shall be remanded for OWCP to administratively combine the present claim OWCP File No. xxxxxx900 and OWCP File No. xxxxxx870. Following any further development as deemed necessary, it shall issue an appropriate decision. Accordingly,

[3] *K.K.*, Docket No. 20-0581 (issued September 14, 2020); *see* Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8c (February 2000).

[4] *Id.*; *D.C.*, Docket No. 19-0100 (issued June 3, 2019); *N.M.*, Docket No. 18-0833 (issued April 18, 2019); *K.T.*, Docket No. 17-0432 (issued August 17, 2018).

[5] *See Order Remanding Case, J.V.*, Docket No. 22-1047 (issued March 14, 2023).

[6] *, Order Remanding Case, E.D.*, Docket No. 20-0830 (issued October 26, 2020); *J.V., id.*

IT IS HEREBY ORDERED THAT the August 20, 2024 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 22, 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