

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

<p>C.H., Appellant</p> <p>and</p> <p>U.S. POSTAL SERVICE, HAGERSTOWN POST OFFICE, Hagerstown, MD, Employer</p>)	Docket No. 23-0776
)	Issued: July 2, 2025
))
))

Appearances:

Stephen Larkin, for the appellant¹
Office of Solicitor, for the Director

Case Submitted on the Record

ORDER REMANDING CASE

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

On May 7, 2023 appellant filed a timely appeal from a January 20, 2023 merit decision of the Office of Workers' Compensation Programs (OWCP).² The Clerk of the Appellate Boards assigned the appeal Docket No. 23-0776.

On June 22, 2020 appellant, then a 55-year-old postal support employee, filed an occupational disease claim (Form CA-2) alleging that he developed bilateral upper extremity injuries due to factors of his federal employment, including repetitive grabbing, picking, lifting, and carrying mail weighing up to 70 pounds and pushing and pulling large equipment loaded with

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 an 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.

² On June 5, 2023 the Board dismissed appellant's May 7, 2023 appeal as untimely filed. *Order Dismissing Appeal*, C.H., Docket No. 23-0776 (issued June 5, 2023). On June 6, 2023 appellant, through his representative, filed a petition for reconsideration. On June 18, 2025, the Board granted appellant's petition for reconsideration and reinstated his appeal. *Order Granting Petition for Reconsideration and Reinstating Appeal*, C.H., Docket No. 23-0776 (issued June 18, 2025).

mail. He noted that he first became aware of his condition on May 5, 2017 and realized its relation to his federal employment on February 9, 2019. Appellant did not stop work.

OWCP assigned this claim OWCP File No. xxxxxx017 and accepted the claim for bilateral ulnar neuropathy/ulnar nerve lesions.

By decision dated September 9, 2021, OWCP granted appellant a schedule award for eight percent permanent impairment of the right upper extremity and eight percent permanent impairment of the left upper extremity. The award ran for 49.92 weeks from May 13, 2021 through April 27, 2022.

On September 29, 2021 appellant filed a Form CA-2 claiming an increased schedule award.

By decisions dated May 26 and June 16, 2022, OWCP expanded its acceptance of the claim to include bilateral frozen shoulder (adhesive capsulitis of the right and left shoulders) and bilateral carpal tunnel syndrome (CTS).

On July 6, 2022 OWCP referred appellant, along with a statement of accepted facts (SOAF) and the medical record, to Dr. Kevin F. Hanley, a Board-certified orthopedic surgeon, for an updated impairment rating evaluation to include all accepted conditions in accordance with the sixth edition of the American Medical Association, *Guides to the Evaluation of Permanent Impairment* (A.M.A., *Guides*)³.

In a report dated August 31, 2022, Dr. Hanley opined that appellant had eight percent permanent impairment of the right upper extremity and eight percent permanent impairment of the left upper extremity, which indicated no change in his overall impairment rating. In a December 21, 2022 report, Dr. Katz, serving as OWCP's district medical adviser (DMA), concurred with Dr. Hanley.

By decision dated February 2, 2023, OWCP denied appellant's claim for an increased schedule award.

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

Appellant previously filed a traumatic injury claim (Form CA-1) alleging bilateral upper extremity injuries due to pulling a large cage full of mail on May 5, 2017, which OWCP denied under OWCP File No. xxxxxx613. The present claim, OWCP File No. xxxxxx017, also pertains to bilateral upper extremity conditions, which appellant first became aware of on May 5, 2017. However, OWCP had not administratively combined the claims at the time it obtained the second opinion from Dr. Hanley.

OWCP's procedures provide that cases should be administratively combined when correct adjudication of the issues depends on frequent cross-referencing between files.⁴ For example, if a

³ A.M.A., *Guides* (6th ed. 2009).

⁴ Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8c (February 2000).

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.⁵

Therefore, for full and fair adjudication, this case shall be remanded for OWCP to administratively combine OWCP File Nos. xxxxxx613 and xxxxxx017, so it can consider all relevant claim files and accompanying evidence in adjudicating appellant's current claim for an increased schedule award.⁶ It shall then prepare an updated SOAF, and refer appellant to a new specialist in the appropriate field of medicine for a second opinion examination. Following this and other such further development as deemed necessary, OWCP shall issue *a de novo* decision. Accordingly,

IT IS HEREBY ORDERED THAT the February 2, 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: July 2, 2025
Washington, DC

Alec J. Koromilas, 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 *Id.*; *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).

⁶ *Supra* note 4 at Chapter 2.400.8c(1); *W.D.*, Docket No. 19-0961 (issued March 31, 2021); *L.P.*, Docket Nos. 18-1558, 18-1568 (issued June 21, 2019).