

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

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<b>K.B., Appellant</b>	)	
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<b>and</b>	)	<b>Docket No. 25-0550</b>
	)	<b>Issued: July 3, 2025</b>
<b>U.S. POSTAL SERVICE, PINSON POST OFFICE, Pinson, AL, Employer</b>	)	
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*Appearances:*

*Carlos Zaldivar, Esq., for the appellant<sup>1</sup>*  
*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 15, 2025 appellant, through counsel, filed a timely appeal from a March 10, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP).<sup>2</sup> The Clerk of the Appellate Boards assigned the appeal Docket No. 25-0550.<sup>3</sup>

On February 22, 2020 appellant, then a 46-year-old rural carrier associate (regular route), filed a traumatic injury claim (Form CA-1) alleging that on that date she injured her lower back

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<sup>1</sup> 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.

<sup>2</sup> Counsel also sought an appeal from a purported March 21, 2025 decision by OWCP. The Board notes that the case record as transmitted to the Board under Docket 25-0550 does not contain a March 21, 2025 decision by OWCP.

<sup>3</sup> The Board notes that, following the March 10, 2025 decision, OWCP received additional evidence. 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.*

when involved in a motor vehicle accident (MVA) while in the performance of duty.<sup>4</sup> She stopped work on the date of injury. OWCP accepted the claim for closed wedge compression fracture of T11-T12 vertebra, lower back strain, and contusion of lower back and pelvis. It paid appellant wage-loss compensation on the supplemental rolls effective April 8, 2020.

In an October 7, 2022 report of work status (Form CA-3), the employing establishment indicated that appellant returned to full-time, regular-duty work with no restrictions on November 7, 2020.

On May 29, 2023 appellant filed another Form CA-1 alleging that on February 22, 2020 she injured her low back due to an MVA while in the performance of duty. An unsigned notice of recurrence (Form CA-2a) dated June 1, 2023 claimed that appellant sustained a recurrence of her need for medical treatment and time loss from work due to the accepted February 22, 2020 employment injury. The Form CA-2a noted a date of recurrence of February 1, 2023, and a date that she stopped work after the recurrence as April 25, 2023.

By decision dated August 1, 2023, OWCP denied appellant's recurrence claim.

On December 16, 2023 appellant filed a claim for compensation (Form CA-7) for disability from work, commencing April 22, 2023.

On January 6, 2024 appellant requested reconsideration of OWCP's August 1, 2023 decision.

By decision dated January 9, 2024, OWCP denied modification of the August 1, 2023 decision, including her claim for disability from work, commencing April 22, 2023.

On December 17, 2024 appellant, through counsel, requested reconsideration of OWCP's January 9, 2024 decision. In support thereof, counsel submitted evidence and legal argument that OWCP had improperly converted her May 29, 2023 Form CA-1 to a Form CA-2a. Counsel alleged that on April 24, 2023 appellant felt a pop and severe pain in her back and requested that the claim be adjudicated as a new traumatic injury claim.

By decision dated March 10, 2025, OWCP denied modification of the January 9, 2024 decision.<sup>5</sup> It noted that under OWCP File No. xxxxxx818, it had amended appellant's May 29,

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<sup>4</sup> OWCP assigned the present claim OWCP File No. xxxxxx781. On May 9, 2023 appellant filed an occupational disease claim (Form CA-2) alleging that she injured her back in an MVA on February 22, 2020, which worsened thereafter due to factors of her federal employment including bending, lifting, and twisting. OWCP denied the claim under OWCP File No. xxxxxx134. On May 29, 2023 appellant filed a Form CA-1 again alleging that she injured her back on February 22, 2020, to which OWCP assigned OWCP File No. xxxxxx818. On May 1, 2024 appellant filed a Form CA-2 alleging that she sustained a back injury due to factors of her federal employment. She noted that she initially injured her low back in an MVA on February 22, 2020, after which she returned to full-duty work and experienced continued difficulty, including feeling a pop in her back while delivering mail on April 25, 2023. OWCP denied the claim under OWCP File No. xxxxxx594. The claims have not been administratively combined by OWCP.

<sup>5</sup> The Board notes that OWCP has not adjudicated the expansion claim to determine whether appellant sustained a lumbar disc bulge causally related to or as a consequence of the accepted February 22, 2020 employment injury. Thus, this issue is not currently before the Board. See 20 C.F.R. § 501.2(c).

2023 Form CA-1 to reflect a date of injury of April 24, 2023, and that the April 24, 2023 claim was currently under development and pending a formal 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.<sup>6</sup> For example, if a 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.<sup>7</sup> Appellant's claims under OWCP File Nos. xxxxxx134, xxxxxx194, and xxxxxx818, involve back injuries, which are also at issue in the present claim. Therefore, for full and fair adjudication, this case shall be remanded for OWCP to administratively combine the present claim with OWCP File Nos. xxxxxx134, xxxxxx194, and xxxxxx818, so it can consider all relevant claim files and accompanying evidence in adjudicating appellant's recurrence claim.<sup>8</sup> Following this and other such further development as OWCP deems necessary, it shall issue a *de novo* decision. Accordingly,

**IT IS HEREBY ORDERED THAT** the March 10, 2025 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 3, 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

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<sup>6</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8c (February 2000).

<sup>7</sup> *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).

<sup>8</sup> *Supra* note 6 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).