

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

T.S., Appellant)	
)	
and)	Docket No. 25-0583
)	Issued: July 10, 2025
U.S. POSTAL SERVICE, ASHLAND POST OFFICE, Ashland, OH, Employer)	
)	

Appearances:

Alan J. Shapiro, Esq., for the appellant¹
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
JANICE B. ASKIN, Judge

On May 28, 2025 appellant, through counsel, filed a timely appeal from a May 20, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 25-0583.

On August 2, 2024 appellant, then a 43-year-old city carrier, filed an occupational disease claim (Form CA-2) asserting that his posterior tibial tendonitis had been aggravated by extensive walking on uneven surfaces.² He noted that he first became aware of the condition on April 19, 2023 and realized its relationship to his federal employment on July 31, 2023.

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.

² OWCP assigned the present claim OWCP File No. xxxxxx838. Appellant has a previously-accepted May 24, 2021 traumatic injury claim (Form CA-1) for left Achilles tendon strain, left foot strain, left leg Achilles tendonitis, left plantar fascial fibromatosis aggravation, left knee tendon disorders, and left lower leg muscle contracture under OWCP File No. xxxxxx035. Appellant's claims have not been administratively combined by OWCP.

In support of his claim, appellant submitted a statement, wherein he noted that his pain began while delivering mail and that he initially thought it was a recurrence of his prior employment injury. Appellant further related that a July 31, 2023 magnetic resonance imaging (MRI) scan revealed additional conditions.

By decision dated January 16, 2025, OWCP denied appellant's occupational disease claim, finding that the medical evidence of record was insufficient to establish that his diagnosed conditions were causally related to the accepted factors of his federal employment. It noted that medical reports were copied from OWCP File No. xxxxxx035.

On January 30, 2025, appellant, through counsel, requested an oral hearing before a representative of OWCP's Branch of Hearings and Review. A hearing was held on April 9, 2025.

By decision dated May 20, 2025, OWCP's hearing representative affirmed the January 16, 2025 decision. The hearing representative noted that on return of the case record OWCP File No. xxxxxx838 and OWCP File No. xxxxxx035 should be administratively combined.

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 or the same part of the body, doubling is required.⁴ Appellant's claim under OWCP File No. xxxxxx035 involved left leg 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 OWCP File Nos. xxxxxx035 and xxxxxx838, so it can consider all relevant claim files and accompanying evidence in adjudicating appellant's current occupational disease claim.⁵ Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision. Accordingly,

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

⁴ *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).

⁵ *Supra* note 3 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).

IT IS HEREBY ORDERED THAT the May 20, 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 10, 2025
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board