

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

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<p><b>B.D., Appellant</b></p> <p>and</p> <p><b>U.S. POSTAL SERVICE, CHAMPLAIN POST OFFICE, Champlain, NY, Employer</b></p>	) ) ) ) ) ) )	<b>Docket No. 25-0405</b> <b>Issued: June 2, 2025</b>
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*Appearances:*

*Paul Kalker, 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  
PATRICIA H. FITZGERALD, Deputy Chief Judge  
JANICE B. ASKIN, Judge

**JURISDICTION**

On March 21, 2025 appellant, through counsel, filed a timely appeal from a March 14, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 25-0405.

On August 30, 2023 appellant, then a 58-year-old rural carrier, filed a traumatic injury claim (Form CA-1) alleging that on August 28, 2023, she injured her neck, back, and upper

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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 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.

extremities when pushing a cart into a double door that was unexpectedly locked on one side, while in the performance of duty.<sup>2</sup> She stopped work on August 28, 2023.

In support of her claim, appellant submitted reports dated October 20, 2023, wherein Sarah R. Stacey, a nurse practitioner, indicated that appellant had been treated for a back injury in 2019, prior to the August 28, 2023 employment injury. She noted that Dr. Eric King, a resident physician in family medicine, held appellant off work “for [six] months prior due to previous lumbar issues.”

In a November 14, 2023 attending physician’s report (Form CA-20), Dr. King indicated that appellant’s injury occurred due to “[c]hronic work lifting and walking. Exacerbated by cart incident on [August 28, 20]23.” He diagnosed degenerative disease of the spine, and preexisting intervertebral disc degeneration. Dr. King noted that appellant’s conditions were “aggravated by employment activity including the August 28, 2023 incident.”

By decision dated January 10, 2024, OWCP denied appellant’s traumatic injury claim, finding that the evidence of record was insufficient to establish that her diagnosed conditions were causally related to the accepted August 28, 2023 employment incident. It noted that the medical evidence of record did not distinguish between the 2019 and 2023 employment injuries.

Thereafter, OWCP received a December 13, 2023 report, wherein Dr. Noah A. Kolb, a Board-certified neurologist, related a history of a 2019 employment injury to the lumbar spine, aggravated by driving, lifting mail, and twisting to retrieve items in her delivery truck. In 2023, her symptoms migrated from the left side to the right side of the lumbar region, with radiation into the right lower extremity.

In a January 8, 2024 report, Dr. James E. Wolf, Board-certified in anesthesiology and pain medicine, recounted a history of lumbar pain commencing in 2019, which had worsened and changed in August 2023. He diagnosed spondylosis of the lumbosacral spine without myelopathy.

On December 17, 2024 appellant requested reconsideration.

By decision dated March 14, 2025, OWCP affirmed the January 10, 2024 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>3</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>4</sup> Appellant’s claim under

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<sup>2</sup> OWCP assigned the present claim OWCP File No. xxxxxx089. Appellant has a previously-accepted occupational disease claim (Form CA-2) under OWCP File No. xxxxxx334 for other lumbar intervertebral disc displacement sustained on or before March 29, 2019. OWCP has not administratively combined appellant’s claims.

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

<sup>4</sup> *Id.*; *Order Remanding Case, T.L.*, Docket No. 25-0309 (issued March 5, 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).

OWCP File No. xxxxxx334 involved a lumbar injury, which is 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. xxxxxx334 and xxxxxx089, so it can consider all relevant claim files and accompanying evidence in adjudicating appellant's current traumatic injury claim.<sup>5</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 14, 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: June 2, 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

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