

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

S.B., Appellant

and

**U.S. POSTAL SERVICE, INDUSTRIAL WEST
SACRAMENTO POST OFFICE,
West Sacramento, CA, Employer**

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) **Docket No. 25-0797**
) **Issued: November 26, 2025**
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Appearances:

*Alan J. Shapiro, Esq., for the appellant¹
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 August 22, 2025 appellant, through counsel, filed a timely appeal from an August 7, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 25-0797.²

On June 14, 2024 appellant, then a 60-year-old mail handler, filed a traumatic injury claim (Form CA-1) alleging that on June 10, 2024 she injured her lower back, right hip, right knee, right shoulder, and neck when she was hit from behind by a steel cage loaded with mail while in the

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 The Board notes that, following the August 7, 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.*

performance of duty.³ She stopped work on the date of injury and returned to work on June 11, 2024.

In support of her claim, appellant submitted medical evidence, including a November 20, 2024 medical report by Dr. Michael Hebrard, a Board-certified physiatrist, who noted the history of the June 10, 2024 employment injury and documented physical examination findings. Dr. Hebrard diagnosed primary osteoarthritis of the knees, right hip strain, psoas tendinitis, and trochanteric bursitis, sprain and impingement syndrome of the right shoulder, and cervical and lumbar radiculopathy. He opined that the June 10, 2024 employment incident caused a crush injury to appellant's cervical spine, lumbar spine, shoulder, and knees due to increased torsional and shearing forces compounded by the weight of the metal cage that struck her, pinned her down, and dragged her for several seconds while the cage was on her back.

OWCP denied the claim by decisions dated November 18, 2024 and February 12, May 15, and August 7, 2025.

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, including when similar conditions are claimed in such cases.⁴ This allows OWCP to consider all relevant claim files in developing a given claim.⁵ Appellant's claims under OWCP File Nos. xxxxxx013, xxxxxx067, xxxxxx656, xxxxxx762, and xxxxxx537 also involved the lower back, knees, right shoulder, and cervical and lumbar areas of the spine, and should therefore be administratively combined with the present claim for a full and fair adjudication.⁶ This will allow OWCP to consider all relevant reports and accompanying evidence in developing appellant's schedule award claim.⁷

³ OWCP assigned the present claim OWCP File No. xxxxxx253. Appellant previously filed CA-1 forms for: a November 27, 1998 injury, which OWCP accepted for right knee and ankle sprains under OWCP File No. xxxxxx013; a May 18, 2000 injury, which OWCP accepted for right shoulder, elbow, and forearm strains under OWCP File No. xxxxxx067; a September 19, 2005 injury, which OWCP accepted for a cervical sprain under OWCP File No. xxxxxx656; a November 15, 2007 injury, which OWCP accepted for lumbar sprain and bilateral knee sprains and contusions under OWCP File No. xxxxxx762; and a March 29, 2023 injury, which OWCP accepted under OWCP File No. xxxxxx537 for contusions of the lower back and pelvis and strain, ligament tearing, arthritis, and synovitis of the right wrist, hand, and thumb. Appellant's claims have not been administratively combined by OWCP.

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

⁵ *Id.*

⁶ See *Order Remanding Case, J.L.*, Docket No. 24-0785 (issued November 1, 2024); *Order Remanding Case, M.T.*, Docket No. 24-0753 (issued September 23, 2024); *Order Remanding Case, K.W.*, Docket No. 22-1258 (issued March 14, 2023).

⁷ *Id.* See also *K.G.*, Docket No. 21-0068 (issued July 29, 2022); *D.J.*, Docket No. 20-0997 (issued November 20, 2020); *S.D.*, Docket No. 19-0590 (issued August 28, 2020).

The case shall, therefore, be remanded for OWCP to administratively combine OWCP File Nos. xxxxxx013, xxxxxx067, xxxxxx656, xxxxxx762, and xxxxxx537, and any other relevant claim files, with the present claim. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision. Accordingly,

IT IS HEREBY ORDERED THAT the August 7, 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: November 26, 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