

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

G.L., Appellant)	
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)	
and)	Docket No. 25-0793
)	Issued: September 26, 2025
U.S. POSTAL SERVICE, POUND RIDGE POST OFFICE, Pound Ridge, NY, Employer)	
)	
)	

Appearances:

Thomas S. Harkins, 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
VALERIE D. EVANS-HARRELL, Alternate Judge

On August 21, 2025 appellant, through counsel, filed a timely appeal from a March 7, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards docketed the appeal as No. 25-0793.²

On November 8, 2022 appellant, then a 63-year-old rural carrier, filed a traumatic injury claim (Form CA-1) alleging that on November 7, 2022 he injured his shoulders, neck, arms, hips,

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 The Board notes that, following the March 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.*

feet, and lower back when a postal container fell on him while in the performance of duty.³ He stopped work on November 8, 2022.

By decision dated December 21, 2023, OWCP accepted the claim for contusions of the shoulders and hips and a lower back strain.

On May 9, 2024 appellant began filing claims for compensation (Form CA-7) for disability from work commencing March 11, 2023.

In support of his compensation claim, appellant submitted medical evidence.

By decision dated March 7, 2025, OWCP denied appellant's claim for disability from work commencing March 11, 2023,⁴ finding that the medical evidence of record was insufficient to establish causal relationship between the claimed disability and the accepted November 7, 2022 employment injury.

The Board, having duly considered this matter, finds that this 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.⁵ 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.⁶ Appellant's claim under OWCP File No. xxxxxx536 involved right shoulder and right hip 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. xxxxxx536 and xxxxxx955, so it can consider all relevant claim files and accompanying evidence in adjudicating appellant's current compensation claim.⁷ Following this and other such further development as OWCP deems necessary, it shall issue a *de novo* decision. Accordingly,

³ OWCP assigned the present claim OWCP File No. xxxxxx955. Appellant had previously filed a Form CA-1 alleging that on June 17, 2021 he sustained injuries to his head, neck, right shoulder, and right hip, which OWCP denied under OWCP File No. xxxxxx536. The claims have not been administratively combined by OWCP.

⁴ In its March 7, 2025 decision, OWCP indicated that it was denying appellant's claim for compensation for disability from work commencing that date. It is clear from the context that this is a typographical error, as appellant's May 10, 2024 Form CA-7 sought compensation for disability from work commencing March 11, 2023.

⁵ Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8c (February 2000).

⁶ *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).

⁷ *Supra* note 5 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 March 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: September 26, 2025
Washington, DC

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

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

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board