

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

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K.K., Appellant)	
)	
and)	Docket No. 26-0224
)	Issued: April 29, 2026
)	
U.S. POSTAL SERVICE, ADELPHI STATION,)	
Brooklyn, NY, Employer)	
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Appearances:

Thomas S. Harkins, 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 January 6, 2026 appellant, through counsel, filed a timely appeal from an August 1, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards docketed the appeal as No. 26-0224.

On March 22, 2024 appellant, then a 58-year-old city carrier, filed a traumatic injury claim (Form CA-1) alleging that on December 16, 2023 he sustained neck and back injuries, with spasms from his neck to midback at the shoulder level, after reaching for a tray of mail on a desk while in

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.

the performance of duty. He noted that he was unsure if this was a new injury as he had previous back injuries.² Appellant stopped work on December 16, 2023.

Appellant submitted medical evidence in support of his claim.

By decision dated August 1, 2024, OWCP denied appellant's claim, finding the medical evidence of record was insufficient to establish that his medical condition was causally related to the accepted December 16, 2023 employment incident. It noted that appellant's claim under OWCP File No. xxxxxx764 was previously accepted for neck sprain and lumbar spine degenerative disc disease.

Appellant, through counsel, requested reconsideration on July 16, 2025 and submitted additional evidence.

By decision dated August 1, 2025, OWCP denied modification of the August 1, 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.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 claims under OWCP File Nos. xxxxxx528 and xxxxxx764 also involved neck and back injuries and should, therefore, be administratively combined with the present claim for a full and fair adjudication.⁵ As the Board is unable to review evidence found in OWCP File Nos. xxxxxx528 and xxxxxx764, it is not in a position to make an informed decision regarding appellant's claim.⁶

The case shall, therefore, be remanded for OWCP to administratively combine OWCP File Nos. xxxxxx528 and xxxxxx764 with the present claim, OWCP File No. xxxxxx271. Following

² OWCP assigned the present claim OWCP File No. xxxxxx271. Under OWCP File No. xxxxxx528, appellant filed a Form CA-1 alleging that on September 18, 2001 he developed lower back pain and spasms from lifting buckets and casing mail. OWCP accepted the claim for lumbar herniated disc/lumbar radiculopathy. Under OWCP File No. xxxxxx764, appellant filed a Form CA-1 alleging that on March 14, 2003 he sustained neck and back pain due to a top shelf tumbling down on top of him when pulling mail out of a case. OWCP accepted the claim for temporary aggravation of preexisting herniated lumbar disc and cervical sprain.

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

⁴ *Id.*; *L.G.*, Docket No. 18-1676 (issued August 22, 2019); *D.L.*, Docket No. 17-1588 (issued January 28, 2019).

⁵ *See C.Y.*, Docket No. 20-1079 (issued December 7, 2020); *L.G.*, *id.*; *K.T.*, Docket No. 17-0432 (issued August 17, 2018).

⁶ *See L.H.*, Docket No. 17-1960 (issued August 16, 2018); *K.P.*, Docket No. 15-1945 (issued February 10, 2016); *M.C.*, Docket No. 15-1706 (issued October 22, 2015).

this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision. Accordingly,

IT IS HEREBY ORDERED THAT the August 1, 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: April 29, 2026
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