

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

L.G., Appellant)
and) Docket No. 23-0477
DEPARTMENT OF THE ARMY,)
INSTALLATION MANAGEMENT COMMAND,)
JOINT BASE LEWIS-MCCHORD, WA,)
Employer) Issued: January 8, 2026
)
)

Appearances:

Appellant, pro se

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 February 13, 2023 appellant filed a timely appeal from a September 27, 2022 merit decision of the Office of Workers' Compensation Programs (OWCP).¹ The Clerk of the Appellate Boards docketed the appeal as No. 23-0477.²

¹ Appellant submitted a timely request for oral argument before the Board. 20 C.F.R. § 501.5(b). Pursuant to the Board's *Rules of Procedure*, oral argument may be held in the discretion of the Board. 20 C.F.R. § 501.5(a). Appellant asserts that she was still recovering from the effects of COVID vaccine and virus, and a protocol needed to be published. The Board, in exercising its discretion, denies appellant's request for oral argument because the arguments on appeal can adequately be addressed in a decision based on a review of the case record. Oral argument in this appeal would further delay issuance of a Board decision and not serve a useful purpose. As such, the oral argument request is denied, and this decision is based on the case record as submitted to the Board.

² The Board notes that, following the September 27, 2022 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.*

On November 23, 2021 appellant, then a 45-year-old information technology management specialist, filed a traumatic injury claim (Form CA-1) alleging that she suffered from an ongoing autoimmune response and medical conditions following vaccinations for the novel coronavirus (COVID-19) she received while in the performance of duty. She indicated that the side effects from the vaccinations impacted her ability to work. Appellant reported a January 13, 2021 date of injury. In a February 14, 2022 statement, she alleged that she developed an adverse reaction to a COVID-19 vaccine, which she received on December 19, 2020 and January 13, 2021, mandated by her employing establishment. Appellant reported experiencing migraines/headaches, gastrointestinal issues, vertigo, vision problems, fatigue, and memory loss. She noted that her side effects began on January 6, 2021 and continued through December 2021.³

By decision dated March 16, 2022, OWCP denied appellant's claim, finding that the evidence of record was insufficient to establish a diagnosed medical condition in connection with the accepted employment incident.

On April 4, 2022 appellant requested an oral hearing before a representative of OWCP's Branch of Hearings and Review. OWCP subsequently received additional factual and medical evidence.

By decision dated September 27, 2022, OWCP's hearing representative modified the March 16, 2022 decision to find that the medical evidence of record was sufficient to establish diagnosed medical conditions in connection with the accepted employment incident. However, the claim remained denied as the medical evidence of record was insufficient to establish causal relationship between her diagnosed medical conditions and the accepted employment incident. The hearing representative referenced appellant's accepted claim in OWCP File No. xxxxxx802 and directed OWCP to administratively combine the two cases as they were related conditions which may require cross-referencing. OWCP has not administratively combined appellant's claim files.

The Board has duly considered the matter and 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.⁴ 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.⁵ Appellant's claims under OWCP File Nos. xxxxxx626 and xxxxxx802 involve COVID-19 and related vaccines. Furthermore, as noted above, OWCP's hearing representative, in the September 27, 2022 decision, referenced

³ OWCP assigned the present claim OWCP File No. xxxxxx626. On January 7, 2022 appellant filed a traumatic injury claim (Form CA-1), under OWCP File No. xxxxxx802, alleging that she tested positive for the novel coronavirus (COVID-19) on November 22, 2021 while in the performance of duty. OWCP assigned the claim OWCP File No. xxxxxx802 and, on March 3, 2022, accepted it for COVID-19.

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

⁵ *Id.*; *L.G.*, Docket No. 18-1676 (issued August 22, 2019); *D.L.*, Docket No. 17-1588 (issued January 28, 2019).

appellant's accepted claim in OWCP File No. xxxxxx802 and directed OWCP to administratively combine the two cases. Therefore, these claims must be administratively combined for a full and fair adjudication.⁶ This will allow OWCP to consider all relevant claim files and accompanying evidence in developing the present claim.

The case shall, therefore, be remanded to OWCP. On remand, OWCP shall administratively combine OWCP File Nos. xxxxxx626 and xxxxxx802. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.

IT IS HEREBY ORDERED THAT the September 27, 2022 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: January 8, 2026
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

⁶ See *C.Y.*, Docket No. 20-1079 (issued December 7, 2020); *L.G.*, *id.*; *K.T.*, Docket No. 17-0432 (issued August 17, 2018).