

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

G.G., Appellant

and

**U.S. POSTAL SERVICE, GRANTS POST
OFFICE, Grants, NM, Employer**

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**Docket No. 26-0366
Issued: June 26, 2026**

Appearances:

Alan J. Shapiro, Esq., for the appellant¹

Office of Solicitor, for the Director

Case Submitted on the Record

ORDER REMANDING CASE

Before:

ALEC J. KOROMILAS, Chief Judge

JANICE B. ASKIN, Judge

VALERIE D. EVANS-HARRELL, Alternate Judge

On March 10, 2026 appellant, through counsel, filed a timely appeal from February 13, 2026 merit decisions of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards docketed the appeal as No. 26-0366.²

On October 21, 2024 appellant, then a 50-year-old postal support employee customer service clerk, filed a traumatic injury claim (Form CA-1) alleging that on October 5, 2024 he

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 February 13, 2026 decisions, 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.*

injured his right shoulder when he moved a heavy box while in the performance of duty.³ He stopped work on the date of injury and returned to modified-duty work on January 11, 2025. OWCP accepted the claim for bursitis of right shoulder.

Magnetic resonance imaging (MRI) reports of the right and left shoulders dated November 4, 2024 noted that appellant related a history of pain after picking up heavy packages at work and demonstrated bilateral rotator cuff tears and biceps tendinosis.

On November 19, 2024 appellant filed a claim for compensation (Form CA-7) for disability from work commencing November 2, 2024.

In a medical report dated December 19, 2024, Dr. Laurence Laudicina, a Board-certified orthopedic surgeon, noted the history of the October 5, 2024 employment injury. He also noted that appellant related complaints in his left shoulder, which he attributed to “compensating for his right on [October 15, 2024] attempting to lift a different heavy package.” Dr. Laudicina documented physical examination findings and reviewed the November 4, 2024 MRI scans. He diagnosed bilateral bursitis and tendinitis, bilateral superior labrum anterior to posterior (SLAP) lesions, and bilateral incomplete rotator cuff tears and opined that the conditions were “directly related to the injury sustained while at work.” He recommended right shoulder arthroscopy with extensive debridement and biceps tenodesis, to be followed by the same procedure on the left shoulder three months later.

By decision dated February 7, 2025, OWCP denied expansion of the acceptance of appellant’s claim to include additional conditions as causally related to, or consequential to, the accepted October 5, 2024 employment injury.

By separate decision also dated February 7, 2025, OWCP denied authorization for right biceps tendon repair, finding that the proposed surgery was not causally related or medically necessary to address the effects of the accepted October 5, 2024 employment injury.

By decision dated February 10, 2025, OWCP denied appellant’s claim for disability from work commencing November 2, 2024, finding that the medical evidence of record was insufficient to establish causal relationship between the claimed disability and the accepted October 5, 2024 employment injury.

On January 23, 2026 appellant, through counsel, requested reconsideration of OWCP’s February 11, 2025 decision.

On January 28, 2026 appellant, through counsel, requested expansion of the acceptance of appellant’s claim to include right shoulder partial thickness rotator cuff tear; right shoulder SLAP tear biceps tenosynovitis, possible long head biceps tendon rupture; left shoulder partial-thickness rotator cuff tear subscapularis; left shoulder biceps tenosynovitis/labrum tear; and bilateral shoulder rotator cuff tendinitis/bursitis as causally related to, or consequential to, the accepted

³ OWCP assigned the present claim OWCP File No. xxxxxx530. On December 31, 2024 appellant filed a Form CA-1 alleging that on October 15, 2024, he injured his left upper extremity while in the performance of duty. He recounted that he was using his left arm to lift heavy packages due to his October 5, 2024 right shoulder injury and tore his left biceps and shoulder. OWCP denied the claim under OWCP File No. xxxxxx821. Appellant’s claims have not been administratively combined by OWCP.

October 5, 2024 employment injury. He submitted additional medical evidence. OWCP treated the January 28, 2026 request as a request for reconsideration of OWCP's February 7, 2025 decisions.

By decisions dated February 13, 2026, OWCP denied modification of the February 7 and 11, 2025 decisions.⁴

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.⁵ This allows OWCP to consider all relevant claim files in developing a given claim.⁶ Regarding alleged consequential injuries, in discussing the range of compensable consequences, once the primary injury is causally connected with the employment, the question is whether compensability should be extended to a subsequent injury or aggravation related in some way to the primary injury.⁷ Appellant alleges that his claim under OWCP File No. xxxxxx821, involving the left shoulder, resulted from his overuse of that shoulder to compensate for his right-sided injury under the present claim, OWCP File No. xxxxxx530. Therefore, for a full and fair adjudication of the case, these claims must be combined.⁸ This will allow OWCP to consider all relevant reports and accompanying evidence in developing appellant's expansion and disability claims and his request for authorization for the proposed surgical procedures.⁹

The Board shall, therefore, remand the case for OWCP to administratively combine OWCP File Nos. xxxxxx530 and xxxxxx821. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision. Accordingly,

⁴ In the February 13, 2026 decisions, OWCP indicated that it had administratively combined OWCP File Nos. xxxxxx530 and xxxxxx821. However, the record as transmitted to the Board does not reflect that the claims were administratively combined by OWCP.

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

⁶ *Id.*

⁷ See *Order Remanding Case, J.V.*, Docket No. 22-1047 (issued March 14, 2023); *C.H.*, Docket No. 20-0228 (issued October 7, 2020); see also *K.S.*, Docket No. 17-1583 (issued May 10, 2018).

⁸ See *Order Remanding Case, C.B.*, Docket No. 25-0603 (issued July 3, 2025); *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).

⁹ *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).

IT IS HEREBY ORDERED THAT the February 13, 2026 decisions of the Office of Workers' Compensation Programs are set aside, and the case is remanded for further proceedings consistent with this order of the Board.

Issued: June 26, 2026
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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