

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

C.F., Appellant	)	
	)	
and	)	<b>Docket No. 26-0295</b>
	)	<b>Issued: May 22, 2026</b>
<b>DEPARTMENT OF AGRICULTURE, FOOD</b>	)	
<b>SAFETY AND INSPECTION SERVICE,</b>	)	
<b>Minneapolis, MN, Employer</b>	)	
	)	

*Appearances:*  
Kelley Craig, Esq., for the appellant<sup>1</sup>  
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 February 3, 2026 appellant, through counsel, filed a timely appeal from an August 8, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards docketed the appeal as 26-0295.<sup>2</sup>

On October 7, 2020 appellant, then a 51-year-old food inspector, filed a traumatic injury claim (Form CA-1) alleging that on October 2, 2020 he sustained a sharp pain in his right elbow

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<sup>1</sup> 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.

<sup>2</sup> The Board notes that following the August 8, 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.*

when he placed a node hook in the cheek muscle of a steer head during an inspection while in the performance of duty.<sup>3</sup> He stopped work on October 7, 2020. Following initial denial of the claim, on November 16, 2021, OWCP accepted the claim for right elbow sprain. By separate decision dated November 16, 2021, it denied expansion of the acceptance of the claim to include aggravation of medial epicondylitis, and aggravation of primary osteoarthritis of the right elbow. OWCP referenced appellant's prior claim for the "same upper extremity that confirms that you have injured your same arm in the past."

On April 27, 2022 appellant, through counsel, requested reconsideration and submitted additional evidence.

By decision dated July 14, 2022, OWCP denied modification of the November 16, 2021 decision. It referenced the September 28, 2018 employment injury. OWCP noted that appellant's physician had not explained whether appellant's current claim had any connection to the prior 2018 injury, or whether there was an aggravation of the prior injury.

On July 13, 2023 appellant, through counsel, requested reconsideration and submitted additional medical evidence.

By decision dated October 2, 2023, OWCP denied modification of the July 14, 2022 decision. It again referenced appellant's prior 2018 claim for a right upper extremity injury.

On May 17, 2024 appellant, through counsel, requested reconsideration and submitted additional medical evidence.

By decision dated July 29, 2024, OWCP denied modification of the October 2, 2023 decision.

On July 28, 2025 appellant, through counsel requested reconsideration and submitted additional medical evidence.

By decision dated August 8, 2025, OWCP denied modification of the July 29, 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 where a new injury case is reported for an employee who filed another injury claim for the same part of the body and when correct adjudication of the issues depends on frequent cross-referencing between files.<sup>4</sup> For example, if a new injury case is reported for an employee who previously filed an injury

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<sup>3</sup> OWCP assigned the present claim OWCP File No. xxxxxx304. Appellant has a prior claim for a September 28, 2018 traumatic injury under OWCP File No. xxxxxx641 which OWCP accepted for right bicipital tendinitis. Appellant's claims have not been administratively combined by OWCP.

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

claim for a similar condition or the same part of the body, doubling is required.<sup>5</sup> Appellant's claims under OWCP File Nos. xxxxxx641 and xxxxxx304 both involve the right upper extremity. Therefore, these claims must be administratively combined for a full and fair adjudication.<sup>6</sup>

The case shall, therefore, be remanded to OWCP for further development. On remand, OWCP shall administratively combine OWCP File Nos. xxxxxx641 and xxxxxx304. 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 8, 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: May 22, 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

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<sup>5</sup> *Id.*; *Order Remanding Case, G.D.*, Docket No. 25-0085 (issued November 18, 2024); *Order Remanding Case, N.V.*, Docket No. 23-0044 (issued April 20, 2023); *Order Remanding Case, L.G.*, Docket No. 18-1676 (issued August 22, 2019); *Order Remanding Case, D.L.*, Docket No. 17-1588 (issued January 28, 2019).

<sup>6</sup> *See Order Remanding Case, J.S.*, Docket No. 26-0225 (issued April 30, 2026); *Order Remanding Case, C.Y.*, Docket No. 20-1079 (issued December 7, 2020); *L.G., id.*; *Order Remanding Case, K.T.*, Docket No. 17-0432 (issued August 17, 2018).