United States Department of Labor
Employees' Compensation Appeals Board

C.M., Appellant	)	
and	)	**Docket No. 26-0585**
	)	**Issued: October 27, 2026**
DEPARTMENT OF HOMELAND SECURITY, TRANSPORTATION SECURITY ADMINISTRATION, LaGUARDIA AIRPORT, East Elmhurst, NY, Employer	)	

Appearances:
Alan J. Shapiro, Esq., for the appellant[1]
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 June 11, 2026 appellant, through counsel, filed a timely appeal from a June 4, 2026 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards docketed the appeal as No. 26-0641.[2]

On June 10, 2025 appellant, then a 44-year-old supervisory transportation security officer, filed an occupational disease claim (Form CA-2) alleging that she developed a left knee condition

[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 June 4, 2026 decision, appellant submitted additional evidence to OWCP. 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.*

as a result of factors of her federal employment.[3] She noted that she first became aware of her condition and realized its relation to her federal employment on February 2, 2023. Appellant did not stop work.

Appellant submitted medical evidence in support of her claim. By decision dated September 5, 2025, OWCP denied appellant's occupational disease claim, finding that the medical evidence of record was insufficient to establish a medical condition causally related to the accepted factors of her federal employment.

On September 15, 2025 appellant, through counsel, requested an oral hearing before a representative of OWCP's Branch of Hearings and Review.

By decision dated June 4, 2026, OWCP's hearing representative affirmed the September 5, 2025 OWCP 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.[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. xxxxxx702 and xxxxxx317 also involved the left knee and should, therefore, be administratively combined with the present claim for a full and fair adjudication.[6] As the Board is unable to review evidence found in OWCP File Nos. xxxxxx702 and xxxxxx317, it is not in a position to make an informed decision regarding appellant's claim.[7]

The case shall, therefore, be remanded for OWCP to administratively combine OWCP File Nos. xxxxxx702 and xxxxxx317 with the present claim, OWCP File No. xxxxxx574. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision. Accordingly,

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[3] OWCP assigned the present claim OWCP File No. xxxxxx574. Under OWCP File No. xxxxxx702, appellant filed a traumatic injury claim (Form CA-1) alleging that she sustained a left knee injury on April 21, 2024. Under OWCP File No. xxxxxx317, OWCP accepted a February 2, 2023 traumatic injury (Form CA-1) for sprain of the left knee, strain of the rotator cuff of the left shoulder, and sprain of the cervical spine. OWCP has not administratively combined appellant's claims.

[4] Federal (FECA) Procedure Manual, Part 1 – Mail and Files, *Case Maintenance*, Chapter 1.500.4 (version 1.2, issued May 4, 2026).

[5] *Id.*; *Order Remanding Case*, *D.C.*, Docket No. 26-0400 (issued July 6, 2026); *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).

[6] *See Order Remanding Case*, *V.T.*, Docket No. 26-0325 (issued June 8, 2026); *Order Remanding Case*, *C.Y.*, Docket No. 20-1079 (issued December 7, 2020); *Order Remanding Case*, *K.T.*, Docket No. 17-0432 (issued August 17, 2018).

[7] *See Order Remanding Case*, *B.T.*, Docket No. 26-0391 (issued July 2, 2026); *Order Remanding Case*, *L.H.*, Docket No. 17-1960 (issued August 16, 2018); *Order Remanding Case*, *K.P.*, Docket No. 15-1945 (issued February 10, 2016); *M.C.*, Docket No. 15-1706 (issued October 22, 2015).

IT IS HEREBY ORDERED THAT the June 4, 2026 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: October 27, 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