

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

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 M.L., Appellant)
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 and)
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 DEPARTMENT OF HOMELAND SECURITY,)
 TRANSPORTATION SECURITY)
 ADMINISTRATION, LOUISVILLE)
 INTERNATIONAL AIRPORT,)
 Louisville, KY, Employer)
 _____)

**Docket No. 10-2193
 Issued: June 28, 2011**

Appearances:
 Appellant, *pro se*
 Office of Solicitor, for the Director

Case Submitted on the Record

ORDER REMANDING CASE

Before:

RICHARD J. DASCHBACH, Chief Judge
 ALEC J. KOROMILAS, Judge
 COLLEEN DUFFY KIKO, Judge

On August 18, 2010 appellant filed a timely appeal from an August 11, 2010 merit decision of the Office of Workers' Compensation Programs, which denied her occupational disease claim for carpal tunnel syndrome. The appeal was docketed as No. 10-2193.

The Board has duly considered the matter and finds that the case is not in posture for a decision. In its August 11, 2010 decision in the instant claim, the Office relied on November 7, 2007 diagnostic results from Dr. Gregory Pittman, a Board-certified neurologist, and a June 20, 2005 medical report from Dr. Ty E. Richardson, a Board-certified orthopedic surgeon. In addition, the record contains a September 12, 2006 medical report from Dr. Richard T. Sheridan, a Board-certified orthopedic surgeon, and an April 5, 2007 medical report from Dr. Ronald Koff, a Board-certified family practitioner. The Board finds, however, upon inspection of these medical reports that Dr. Pittman's, Dr. Richardson's, Dr. Sheridan's and Dr. Koff's reports were all prepared in connection with a different traumatic injury claim that is not before the Board. Appellant's present claim, filed on April 7, 2010, was assigned Office file number xxxxxx348. The aforementioned medical reports, however, pertain to Office file numbers xxxxxx235 and xxxxxx276. The Office in denying this claim also noted that one factor alleged in the current

claim, injury due to physical therapy, might in fact constitute a consequential injury to file number xxxxxx276

As the Office has already cross-referenced medical reports from a separate file and relied upon them as the basis for its decision in the present claim, the Board finds that the files must be combined. Its procedures provide that claims should be combined in instances when “correct adjudication of the issues depends on frequent cross-reference between files.”¹ Appellant’s claims require frequent cross-referencing as the record for file number xxxxxx348 contains medical reports from file numbers xxxxxx235 and xxxxxx276 and the Office specifically relies on Dr. Pittman’s November 11, 2007 medical report from file number xxxxxx276. Moreover, the Office found that Dr. Richardson’s October 16, 2009 medical report related appellant’s present condition to physical therapy resulting from a previous traumatic injury claim under file number xxxxxx276. The Board therefore finds it necessary for the Office to combine the files so as to provide for full and fair adjudication of appellant’s claim. On remand, therefore, the Office shall combine file number xxxxxx348 with file numbers xxxxxx235 and xxxxxx276 and issue an appropriate merit decision to protect appellant’s appeal rights.

IT IS HEREBY ORDERED THAT the August 11, 2010 decision of the Office of Workers’ Compensation Programs be and is remanded for further action consistent with this order of the Board.

Issued: June 28, 2011
Washington, DC

Richard J. Daschbach, Chief Judge
Employees’ Compensation Appeals Board

Alec J. Koromilas, Judge
Employees’ Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees’ Compensation Appeals Board

¹ Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c) (April 2011).