



included a second report dated July 12, 2010 from Patrick L. Bryant, D.D.S, which OWCP stated that it received on July 23, 2010.

The Board has duly considered the matter and notes that the case is not in posture for a decision. The claim before the Board, file number xxxxxx731, involves appellant's claim for wage-loss compensation for the periods August 4, 1993 to December 26, 1995, July 7, 1988 to June 30, 2006 and November 1, 2006 to August 1, 2008. In the January 10, 2011 decision, OWCP noted reviewing evidence not of record in reaching its decision. This evidence must be part of the record. The record also indicates that file number xxxxxx138 may have evidence germane to claim number xxxxxx731 as it would include medical reports from the date of injury, August 4, 1993, onwards which may be relevant to the early periods of wage loss claimed. Pursuant to OWCP procedures, OWCP has determined that cases should be combined where correct adjudication depends on cross-referencing between files. In the instant appeal, it appears that, for a full and fair adjudication, appellant's claims pertaining to wage-loss compensation commencing August 4, 1993 onwards should be combined pursuant to OWCP procedures.<sup>2</sup> This will allow OWCP to consider all relevant claim files in developing appellant's wage-loss claim. Moreover, to consider appellant's appeal at this stage would involve a piecemeal adjudication of the issues in this case and raise the possibility of inconsistent results. It is the Board's policy to avoid such an outcome.<sup>3</sup>

The case will be remanded to OWCP to combine case files numbers xxxxxx138 and xxxxxx731. Following this and such other development as deemed necessary, OWCP shall issue an appropriate merit decision on appellant's claim.

---

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

<sup>3</sup> See *William T. McCracken*, 33 ECAB 1197 (1982).

**IT IS HEREBY ORDERED THAT** the January 10, 2011 decision be set aside and the matter remanded to OWCP for further proceedings consistent with this order.

Issued: February 27, 2012  
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