

contained in File No. xxxxxx952 reflecting that appellant had nerve root impingement at the L5 level.

In the instant case, OWCP accepted that appellant sustained an injury to the same body part that is the subject of his occupational disease claim in File No. xxxxxx952. As appellant's diagnosed cervical and lumbar conditions are at issue in both cases, medical evidence contained in File No. xxxxxx952 will necessarily bear directly on the issue of whether his accepted condition has resolved in the instant case. Because it is essential for the Board to review the medical evidence contained in File No. xxxxxx952 in order to render a full and fair adjudication of the present appeal, this case will be remanded for OWCP to consolidate case file numbers xxxxxx952 and xxxxxx616. After developing the medical evidence as it deems necessary, OWCP should issue a *de novo* decision on the merits of the claim, in order to protect appellant's appeal rights.

IT IS HEREBY ORDERED that the Office of Workers' Compensation Programs' June 16, 2011 decision be set aside and the case remanded for further development consistent with this order.

Issued: May 9, 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