

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

B.W., Appellant	)	
	)	
and	)	Docket No. 19-0101
	)	Issued: June 8, 2020
U.S. POSTAL SERVICE, NEW TAMPA POST OFFICE, Tampa, FL, Employer	)	
	)	

*Appearances:*  
Alan J. Shapiro, Esq., for the appellant<sup>1</sup>  
Office of Solicitor, for the Director

*Case Submitted on the Record*

**ORDER REMANDING CASE**

Before:  
ALEC J. KOROMILAS, Chief Judge  
CHRISTOPHER J. GODFREY, Deputy Chief Judge  
VALERIE D. EVANS-HARRELL, Alternate Judge

On October 17, 2018 appellant, through counsel, filed a timely appeal from a July 2, 2018 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards docketed the appeal as No. 19-0101.

On February 22, 2017 appellant, then a 44-year-old rural mail carrier, filed a traumatic injury claim (Form CA-1) alleging that on January 13, 2017 she injured her back and hip when she carried a package weighing approximately 70 pounds to her mail truck. She indicated that she was

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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.

unable to finish her route. OWCP adjudicated the case under File No. xxxxxx832. By decisions dated April 4 and August 23, 2017 and March 2 and July 2, 2018, it denied the claim.<sup>2</sup>

Appellant had previously filed a traumatic injury claim alleging injury to her low back and hip on January 10, 2017 while pulling parcels out of a gurney at work. OWCP adjudicated that claim under File No. xxxxxx380. It referenced this claim in its March 2, 2018 decision issued in File No. xxxxxx832.

The Board has duly considered the matter and concludes that this 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.<sup>3</sup> In the instant case OWCP File No. xxxxxx832, appellant claimed low back and hip conditions caused by lifting a heavy package on January 13, 2017. In a claim adjudicated by OWCP under File No. xxxxxx380, she claimed low back and hip conditions caused by a January 10, 2017 lifting incident. As noted, in its March 2, 2018 decision, OWCP referenced File No. xxxxxx380.

As these files have not been administratively combined, the Board is unable to determine whether all pertinent evidence had been reviewed by OWCP in the instant claim to determine whether appellant established entitlement to an employment-related injury.

The case must therefore be remanded to OWCP to administratively combine File Nos. xxxxxx832 and xxxxxx380 and for further reconstruction and development as it may deem necessary, to be followed by an appropriate decision.<sup>4</sup> Accordingly,

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<sup>2</sup> In the initial April 4, 2017 decision, OWCP found that the evidence was insufficient to establish that the claimed event occurred as alleged. In its August 23, 2017 decision, it modified the decision to find that on January 13, 2017 appellant lifted a heavy package at work, but denied the claim because the medical evidence was insufficient to establish causal relationship. In its March 2 and July 2, 2018 decisions, OWCP denied modification of the January 23, 2017 decision.

<sup>3</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c) (February 2000).

<sup>4</sup> *See T.L.*, Docket No. 18-0935 (issued February 25, 2020); *D.M.*, Docket No. 19-0340 (issued October 22, 2019).

**IT IS HEREBY ORDERED THAT** the July 2, 2018 decision of the Office of Workers' Compensation Programs is set aside and the case remanded for further proceedings consistent with this order of the Board.

Issued: June 8, 2020  
Washington, DC

Alec J. Koromilas, Chief Judge  
Employees' Compensation Appeals Board

Christopher J. Godfrey, Deputy Chief Judge  
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge  
Employees' Compensation Appeals Board