

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

A.R., Appellant)	
)	
and)	Docket No. 20-1292
)	Issued: April 15, 2022
U.S. POSTAL SERVICE, HOLLAND POST)	
OFFICE, Holland, MI, Employer)	
)	

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

Case Submitted on the Record

ORDER REMANDING CASE

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

On June 11, 2020 appellant filed a timely appeal from a May 7, 2020 merit decision of the Office of Workers' Compensation Programs (OWCP) under File No. xxxxxx977. The Clerk of the Appellate Boards docketed the appeal as No. 20-1292.¹

On December 7, 2018 appellant, then a 58-year-old rural carrier, filed a notice of recurrence (Form CA-2a) alleging that on December 4, 2018² she sustained a recurrence of disability causally related to her previously accepted February 2, 2017 traumatic left wrist injury

¹ The Board notes that, following the May 7, 2020 decision, appellant submitted additional evidence. 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.*

² OWCP subsequently modified the date of injury from December 4, 2018 to December 3, 2018, noting that the employing establishment advised that appellant did not work on December 4, 2018, but stopped work on that date to seek medical treatment.

under OWCP File No. xxxxxx050.³ She explained that she returned to work after her original injury, but reinjured the same wrist first on June 9, 2017 and then on December 4, 2018.⁴

By decision dated April 1, 2019, OWCP accepted that the December 3, 2018 employment incident occurred as alleged, but denied the claim, finding that causal relationship was not established.

On April 9, 2019 appellant requested review of the written record by a representative of OWCP's Branch of Hearings and Review.

By decision dated July 26, 2019, the hearing representative affirmed the April 1, 2019 decision, as modified, finding that, due to inconsistencies in the evidence and the lack of a clear statement from appellant, the evidence was insufficient to establish that the December 3, 2018 incident occurred as alleged. The hearing representative concluded, therefore, that the requirements had not been met to establish an injury as defined under FECA.

On October 29, 2019 appellant requested reconsideration.

By decision dated February 3, 2020, OWCP denied appellant's request for reconsideration.

On March 17, 2020 appellant requested reconsideration and submitted additional evidence.

By decision dated May 7, 2020, OWCP affirmed, as modified, the July 26, 2019 decision, finding that appellant had not established causal relationship between her diagnosed condition and the accepted December 3, 2018 employment incident.

The Board has duly considered the matter and finds that the case is not in posture for decision. OWCP's procedures provide that cases should be administratively combined where correct adjudication depends on cross-referencing between files.⁵ 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.⁶ In the instant case, appellant alleged that she sustained a recurrence of her previously accepted left wrist injury under OWCP File No. xxxxxx050. OWCP had previously accepted that she sustained left wrist sprains under OWCP File Nos. xxxxxx050 and xxxxxx470. However, it has not administratively combined the claims.

³ The record reflects that appellant has previously accepted traumatic injury claims for a left wrist sprain under OWCP File No. xxxxxx050 and a left wrist sprain under OWCP File No. xxxxxx470.

⁴ Appellant's claim for recurrence of disability was administratively converted by OWCP to a new traumatic injury claim, assigned OWCP File No. xxxxxx977, which is the claim presently before the Board.

⁵ Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c) (February 2000).

⁶ *Id.*; *L.M.*, Docket No. 19-1490 (issued January 29, 2020); *R.R.*, Docket No. 19-0368 (issued November 26, 2019); *L.H.*, Docket No 18-1777 (issued July 2, 2019).

The Board, thus, finds that for a full and fair adjudication, the claims in OWCP File Nos. xxxxxx977, xxxxxx050, and xxxxxx470 must be administratively combined.⁷ This will allow OWCP to consider all relevant claim files and accompanying evidence in developing appellant's current traumatic injury claim.⁸

Accordingly, the Board will remand the case to OWCP to administratively combine the files. Additional OWCP files involving appellant's left wrist condition, if any, should also be administratively combined with the aforementioned OWCP files. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.

IT IS HEREBY ORDERED THAT the May 7, 2020 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded to OWCP for further proceedings consistent with this order of the Board.

Issued: April 15, 2022
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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

⁷ *Supra* note 5; *see R.H.*, Docket No. 19-1457 (issued July 17, 2020).

⁸ *R.G.*, Docket No. 19-1755 (issued July 7, 2020); *L.M.*, *supra* note 6.