United States Department of Labor
Employees' Compensation Appeals Board

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I.M., Appellant)
)
and) **Docket Nos. 24-0334; 24-0367**
) **Issued: July 15, 2024**
U.S. POSTAL SERVICE, PROCESSING &)
DISTRIBUTION CENTER, Lexington, KY,)
Employer)
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Appearances: *Case Submitted on the Record*
Appellant, pro se
Office of Solicitor, for the Director

ORDER REMADING CASE

<u>Before:</u>
PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge
JAMES D. McGINLEY, Alternate Judge

On February 8, 2024 appellant filed a timely appeal from an August 21, 2023 merit decision and a November 16, 2023 nonmerit decision of the Office of Workers' Compensation Programs (OWCP) under OWCP File No. xxxxxx358. The Clerk of the Appellate Boards assigned that appeal Docket No. 24-0334. On February 20, 2024 appellant filed a timely appeal from a February 15, 2024 nonmerit decision of OWCP under OWCP File No. xxxxxx131. The Clerk of the Appellate Boards assigned that appeal Docket No. 24-0367.

On September 21, 2009 appellant, then a 32-year-old mail processing clerk, filed an occupational disease claim (Form CA-2) alleging that he suffered emotional/stress-related conditions due to factors of his federal employment when management subjected him to stress due to their discriminatory and retaliatory actions. He noted that he first became aware of his conditions on August 15, 2009 and realized their relation to his federal employment on August 25, 2009. Appellant stopped work on August 18, 2009. OWCP assigned the claim OWCP File No. xxxxxx131.

On May 5, 2022 OWCP received an occupational disease claim (Form CA-2), dated November 2, 2009, in which appellant claimed he sustained "stress, anxiety, insomnia, & etc." due to factors of his federal employment, including the employing establishment's discriminatory and retaliatory actions, such as failing to return him to work or give him a return-to-work date after he provided medical evidence in October 2009. Appellant noted that he first became aware of his

conditions on October 30, 2009 and realized their relation to his federal employment on November 1, 2009. OWCP assigned the claim OWCP File No. xxxxxx358.

The Board, having duly considered this matter, 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, including when similar conditions are claimed in such cases.[1] This allows OWCP to consider all relevant claim files in developing a given claim.[2] Both OWCP File Nos. xxxxxx131 and xxxxxx358 involve claims for emotional/stress-related conditions arising out of the same or similar work factors dating back to the Fall of 2009. Therefore, these cases shall be remanded to OWCP to administratively combine OWCP File Nos. xxxxxx131 and xxxxxx358. Following this, and other such further development as deemed necessary, OWCP shall issue a *de novo* decision under OWCP File No. xxxxxx358 and an appropriate decision under OWCP File No. xxxxxx131 regarding appellant's claims for emotional/stress-related conditions under OWCP File Nos. xxxxxx131 and xxxxxx358.

IT IS HEREBY ORDERED THAT the August 21 and November 16, 2023, and February 15, 2024 decisions of the Office of Workers' Compensation Programs are set aside, and these cases are remanded for further proceedings consistent with this order of the Board.

Issued: July 15, 2024
Washington, DC

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board

James D. McGinley, Alternate Judge
Employees' Compensation Appeals Board

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[1] Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c)(1) (February 2000); *V.G.*, Docket No. 19-0670 (issued April 30, 2020); *L.P.*, Docket Nos. 18-1558, 18-1568 (issued June 21, 2019); *L.S.*, Docket Nos. 17-1863, 17-1867, 17-1868 (issued April 18, 2018); *W.S.*, Docket No. 15-0969 (issued October 5, 2015); *C.C.*, Docket No. 14-1576 (issued March 9, 2015).

[2] *Id.*