

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

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| C.C., Appellant |) | |
| |) | |
| and |) | Docket No. 24-0604 |
| |) | Issued: July 31, 2024 |
| DEPARTMENT OF THE NAVY, U.S. FLEET |) | |
| FORCES COMMAND, Norfolk, VA, 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
PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge

On May 16, 2024 appellant filed a timely appeal from a May 8, 2024 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 24-0604.

On March 3, 2024 appellant, then a 63-year-old engineering technician, filed an occupational disease claim (Form CA-2) alleging that he developed bilateral arthritis of the knees, worse in the right knee, due to factors of his federal employment, including climbing in and out of tanks as a shipfitter and tank coordinator for approximately 15 years.¹ Appellant noted that he first became aware of his condition on January 1, 2005 and realized its relation to his federal employment on January 1, 2008. He did not immediately stop work.²

By decision dated May 8, 2024, OWCP denied appellant's occupational disease claim, finding that the evidence of record was insufficient to establish a medical diagnosis in connection with the accepted employment factors. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

¹ Appellant has a previously accepted traumatic injury claim (Form CA-1) for an October 5, 2023 contusion and abrasion of the right knee under OWCP File No. xxxxxx460.

² Appellant retired from the employing establishment in December 2023.

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 when correct adjudication of the issues depends on frequent cross-referencing between files.³ 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.⁴

As appellant's previously accepted claim under xxxxxx460 also involves appellant's knees, for a full and fair adjudication, this case shall be remanded to OWCP to administratively combine the present claim under OWCP File No. xxxxxx409 with the case record in OWCP File No. xxxxxx460.

Following this, and other such further development as deemed necessary, OWCP shall issue a *de novo* decision. Accordingly,

IT IS HEREBY ORDERED THAT the May 8, 2024 decision of the Office of Workers' Compensation Programs is set aside, and this case is remanded for further proceedings consistent with this decision of the Board.

Issued: July 31, 2024
Washington, DC

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

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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

⁴ *Id.*; *C.J.*, Docket No. 24-0241 (issued June 27, 2024); *Order Remanding Case, A.J.*, Docket No. 21-1410 (issued May 10, 2022); *R.H.*, Docket No. 21-0575 (issued December 21, 2021); *D.C.*, Docket No. 19-0100 (issued June 3, 2019); *N.M.*, Docket No. 18-0833 (issued April 18, 2019); *K.T.*, Docket No. 17-0432 (issued August 17, 2018).