

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

C.J., Appellant)	
)	
and)	Docket No. 24-0241
)	Issued: June 27, 2024
U.S. POSTAL SERVICE, HEALDSBURG POST)	
OFFICE, Healdsburg, CA, 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
JAMES D. MCGINLEY, Alternate Judge

On January 10, 2024 appellant filed a timely appeal from a September 21, 2023 merit decision of the Office of Workers' Compensation Programs (OWCP).¹ The Clerk of the Appellate Boards assigned the appeal Docket No. 24-0241.

On June 26, 2023 appellant, then a 56-year-old city delivery specialist, filed an occupational disease claim (Form CA-2) alleging that she developed bilateral hand and finger conditions due to 20 years of carrying mail.²

¹ Appellant submitted a timely request for oral argument before the Board. 20 C.F.R. § 501.5(b). Pursuant to the Board's *Rules of Procedure*, oral argument may be held in the discretion of the Board. 20 C.F.R. § 501.5(a). In support of appellant's oral argument request, she asserted that oral argument should be granted because 20 years of work activities had caused injuries. The Board, in exercising its discretion, denies appellant's request for oral argument because the arguments on appeal can adequately be addressed in a decision based on a review of the case record. Oral argument in this appeal would further delay issuance of a Board decision and not serve a useful purpose. As such, the oral argument request is denied, and this decision is based on the case record as submitted to the Board.

² Under OWCP File No. xxxxxx902 OWCP accepted appellant's September 13, 2021 traumatic injury claim for thoracic spine ligament sprain, and primary osteoarthritis of the right hand. The record also reflects that appellant has an accepted traumatic injury claim for an August 4, 2023 left shoulder strain and neck strain under OWCP No. xxxxxx788.

In a July 3, 2023 development letter, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence necessary and provided a questionnaire for her completion. OWCP afforded appellant 60 days to respond.

OWCP received progress notes dated June 30 and August 28, 2023 from Dr. Helen Shen Yee, a Board-certified physiatrist, who reported that appellant had worked for 20 years as a mail carrier and had a prior September 13, 2021 work-related claim, which had been accepted for a bilateral hand condition. Dr. Yee identified June 22, 2023 as the injury date, noted repetitive hand use as the mechanism of injury, and diagnosed bilateral wrist joint pain and bilateral thumb pain. Dr. Yee reported that appellant spent up to 25 percent of her shift performing occasional repetitive bilateral hand motions and up to 25 percent of her shift performing occasional bilateral hand gripping/grasping. Appellant attributed her bilateral wrist and thumb base pain to work beyond her permanent restrictions.

In an August 28, 2023 progress note, Dr. Yee identified an August 4, 2023 work-related injury date with the mechanism of injury described as losing her balance when reaching for a door while delivering an oversized package. She provided examination findings, and diagnosed left shoulder muscle strain, muscle spasm, and neck muscle strain. Dr. Yee noted that appellant was in an off-work status.

In an August 28, 2023 state primary treating physician's progress report form, Dr. Yee provided examination findings and diagnosed left shoulder muscle strain, neck muscle strain and muscle spasm. She reported cervical stiffness mainly with left rotation, left arm light touch sensation intact. Dr. Yee placed appellant off work for the period August 28 to September 22, 2023.

In a follow-up development letter dated September 6, 2023, OWCP informed appellant that the evidence submitted remained insufficient to establish her claim. It again advised her regarding the medical evidence required to establish her claim. OWCP informed her that she had 60 days from the July 28, 2023 letter to submit the requested information.

By decision dated September 21, 2023, OWCP denied appellant's claim finding that appellant had not establish that the diagnosed bilateral wrist and hand conditions were causally related to the accepted employment factors. In denying the claim, it specifically referenced medical evidence pertaining to appellant's prior claims in OWCP's File Nos. xxxxxx902 and xxxxxx788.

The Board finds that the case is not in posture for decision.

Appellant has several prior claims, in OWCP File No. xxxxxx902. OWCP accepted appellant's September 13, 2021 traumatic injury claim for primary osteoarthritis of the right hand. The record also reflects that appellant has an accepted traumatic injury claim for an August 4, 2023 left shoulder strain under OWCP No. xxxxxx788.

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

Therefore, for a full and fair adjudication, this case shall be remanded for OWCP to administratively combine appellant's claims under OWCP File Nos. xxxxxx902 and xxxxxx788, and any other relevant claim files with the present claim. Following this, and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.

IT IS HEREBY ORDERED THAT the September 21, 2023 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: June 27, 2024
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

James D. McGinley, Alternate 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.*; *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).