United States Department of Labor
Employees' Compensation Appeals Board

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L.M., Appellant)
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and)
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U.S. POSTAL SERVICE, BEECHNUT POST)
OFFICE, Houston, TX, Employer)
_____)

Docket No. 24-0398
Issued: June 3, 2024

Appearances: *Case Submitted on the Record*
Appellant, pro se
Office of Solicitor, for the Director

ORDER REMANDING CASE

<u>Before:</u>
ALEC J. KOROMILAS, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge

On March 5, 2024 appellant filed a timely appeal from a February 1, 2024 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 24-0398.

On March 29, 2022 appellant, then a 43-year-old carrier technician, filed a traumatic injury claim (Form CA-1) alleging that on March 23, 2022 she injured her neck, shoulders, and upper back when carrying mail and delivering mail while in the performance of duty. OWCP assigned the claim OWCP File No. xxxxxx012, and on May 12, 2022, accepted it for sprain of ligaments of thoracic spine, and sprain of joints and ligaments of other parts of the neck. Appellant stopped work on March 23, 2022.[1]

Appellant, thereafter, filed a claim for compensation (Form CA-7) for disability from work commencing June 18, 2022. In support of her claim, she submitted medical evidence from her

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[1] Appellant also has a prior traumatic injury claim, which OWCP accepted for sprain of the ligaments of the lumbar spine, sprain of the ligaments of the thoracic spine, sprain of the joints and ligaments of other parts of the neck and an unspecified sprain of the left foot, under OWCP File No. xxxxxx616. Appellant's claims have not been administratively combined.

treating physicians, opining that she was disabled from work for intermittent periods due to the accepted March 23, 2022 employment injury.

By decision dated February 8, 2023, OWCP denied appellant's claim for disability from work commencing June 18, 2022, finding that the medical evidence of record was insufficient to establish disability from work commencing June 18, 2022 due to the accepted March 23, 2022 employment injury.

OWCP received additional medical reports addressing the claimed period of disability from work.

On January 25, 2024 appellant requested reconsideration.

By decision dated February 1, 2024, OWCP denied modification of the February 8, 2023 decision.

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.[2] 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.[3] Herein, appellant has previously accepted sprain of joints and ligaments of other parts of neck, and sprain of ligaments of thoracic spine, sustained on August 26, 2020 while in the performance of duty, under OWCP File No. xxxxxx616. Therefore, for a full and fair adjudication, the case shall be returned to OWCP to administratively combine OWCP File No. xxxxxx616 with OWCP File No. xxxxxx012. Following any further development deemed necessary, OWCP shall issue a *de novo* decision. Accordingly,

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

[3] *Id.; Order Remanding Case, E.E.*, Docket No. 23-0677 (issued February 27, 2024); *Order Remanding Case*, *B.B.*, Docket No. 23-1015 (issued January 30, 2024).

IT IS HEREBY ORDERED THAT the February 1, 2024 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: June 3, 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