

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

<hr/>	)	
<b>L.B., Appellant</b>	)	
	)	
<b>and</b>	)	<b>Docket No. 24-0486</b>
	)	<b>Issued: June 6, 2024</b>
<b>U.S. POSTAL SERVICE, DIAMOND BAR POST</b>	)	
<b>OFFICE, City of Industry, CA, Employer</b>	)	
<hr/>	)	

*Appearances:* *Case Submitted on the Record*  
*Roxann M. Gonzalez, for the appellant*<sup>1</sup>  
*Office of Solicitor, for the Director*

**ORDER REMANDING CASE**

Before:  
ALEC J. KOROMILAS, Chief Judge  
PATRICIA H. FITZGERALD, Deputy Chief Judge  
VALERIE D. EVANS-HARRELL, Alternate Judge

On April 5, 2024 appellant, through her representative, filed a timely appeal from an October 24, 2023 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 24-0486.

On September 8, 2022 appellant, then a 65-year-old city carrier, filed an occupational disease claim (Form CA-2) alleging that she sustained a bilateral knee condition causally related to factors of her federal employment, including standing, walking, walking on uneven surfaces, and getting in and out of her postal vehicle for more than 30 years. She indicated that she initially became aware of her condition and its relation to her federal employment on November 20, 2020. OWCP assigned the claim OWCP File No. xxxxxx185.

In an October 6, 2022 response to an OWCP development letter, the employing establishment advised that appellant had stopped work on February 24, 2015, returned to work for

---

<sup>1</sup> In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

one hour on May 24, 2019, and then stopped work again until her retirement effective May 29, 2020.

In an October 13, 2022 statement, appellant related that she worked as a regular letter carrier from 1982 until 2009. She further related that she worked with restrictions from 2009 onward due to a back and neck claim, assigned OWCP File No. xxxxxx469. Appellant submitted medical evidence from 2013 to 2018 regarding her bilateral knee condition.

By decision dated December 9, 2022, OWCP denied appellant's occupational disease claim as the evidence was insufficient to establish that she sustained a medical condition causally related to the accepted employment factors. It noted that she had an accepted right knee claim with an injury date of February 25, 2013, assigned OWCP File No. xxxxxx922, and a claim for a back injury assigned OWCP File No. xxxxxx469. It further noted that, under OWCP File No. xxxxxx469, appellant was disabled from March 30, 2012 to January 6, 2013, worked light duty beginning January 7, 2013, and then did not work from June 10, 2015 until her retirement on May 29, 2020.

On July 26, 2023 appellant, through counsel, requested reconsideration.

By decision dated October 24, 2023, OWCP denied modification of its December 9, 2022 decision. It noted that medical evidence from 2014 and 2015 was insufficient to establish causal relationship between an injury realized in 2020 and employment.

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.<sup>2</sup> For example, if a new injury claim is reported for an employee who previously filed a claim for a similar condition of the same part of the body, doubling is required.<sup>3</sup> Herein, appellant has an accepted right knee claim, assigned OWCP File No. xxxxxx922, and a claim for a bilateral knee condition under the current OWCP File No. xxxxxx185.

Therefore, for full and fair adjudication, the case must be remanded to OWCP to administratively combine the current case record in OWCP File No. xxxxxx185 with the case record in OWCP File No. xxxxxx922. This will allow OWCP to consider all relevant reports and accompanying evidence in developing the current claim.<sup>4</sup>

---

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

<sup>3</sup> *Id.*; *Order Remanding Case, C.F.*, Docket No. 24-0208 (issued February 20, 2024); *Order Remanding Case, H.B.*, Docket No. 20-1298 (issued November 22, 2021); *Order Remanding Case, S.G.*, Docket No. 21-0396 (issued September 27, 2021).

<sup>4</sup> *Order Remanding Case, K.W.*, Docket No. 22-1258 (issued March 14, 2023); *Order Remanding Case, J.W.*, Docket No. 22-1047 (issued March 14, 2023); *Order Remanding Case, J.B.*, Docket No. 22-0127 (issued February 16, 2023).

The Board will therefore remand the case to OWCP to combine the files. Following this and such other further development as it deems necessary, OWCP shall issue a *de novo* decision. Accordingly,

**IT IS HEREBY ORDERED THAT** the October 24, 2023 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further proceedings consistent with this decision of the Board.

Issued: June 6, 2024  
Washington, DC

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

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

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