

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

J.L., Appellant	)	
	)	
and	)	<b>Docket No. 24-0785</b>
	)	<b>Issued: November 1, 2024</b>
U.S. POSTAL SERVICE, ROCHELLE POST OFFICE, Rochelle, IL, Employer	)	
	)	

*Appearances:*  
Stephanie Leet, Esq., for the appellant<sup>1</sup>  
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 July 25, 2024 appellant, through counsel, filed a timely appeal from an April 10, 2024 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 24-0785.

On November 1, 2022 appellant, a 56-year-old rural carrier, filed a traumatic injury claim (Form CA-1) alleging that on October 20, 2022 she sustained injuries to her left shoulder and left side of body when pushing a pallet with large and heavy packages to load onto a postal van while in the performance of duty.<sup>2</sup> She stopped work on October 20, 2022. By decision dated January 3,

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<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.

<sup>2</sup> OWCP assigned the present claim OWCP File No. xxxxxx575. Appellant previously filed a Form CA-1 for a June 1, 2020 injury sustained to her right knee when she slipped and twisted her right knee while going down a ramp while in the performance of duty. OWCP assigned that claim OWCP File No. xxxxxx023 and accepted it sprain of anterior cruciate ligament of right knee and tear of anterior cruciate ligament of right knee. Appellant also filed a subsequent occupational disease claim (Form CA-2) on January 28, 2024 claiming injuries sustained to her right knee due to factors of her federal employment involving repetitive motions. OWCP assigned that claim OWCP File No. xxxxxx806. Appellant's claims had not been administratively combined at the time of the April 10, 2024 decision currently on appeal.

2023, OWCP accepted appellant's claim for strain of unspecified muscle, fascia and tendon at the shoulder and upper arm level, left arm, initial encounter.

On February 10, 2023 appellant filed a claim for compensation (Form CA-7) for disability from work during the period December 5, 2022 through February 10, 2023. In support thereof, she medical evidence.

By decision dated March 20, 2023, OWCP denied appellant's claim for disability from work for the period December 5, 2022 through February 10, 2023, finding that the medical evidence of record was insufficient to establish disability from work during the claimed period due to her accepted October 20, 2022 employment injury.

Appellant subsequently requested reconsideration and submitted additional medical evidence.

On October 19, 2023 appellant filed a Form CA-7 claim for disability from work during the period February 20 through October 6, 2023.

By decision dated October 23, 2023, OWCP denied modification of the March 20, 2023 decision.

By decision dated November 28, 2023, OWCP denied appellant's Form CA-7 claim for disability from work for the period February 20 through October 6, 2023, finding that the medical evidence of record was insufficient to establish disability from work during the claimed period due to her accepted October 20, 2022 employment injury.

OWCP subsequently received additional medical evidence.

By decision dated February 22, 2024, OWCP expanded the acceptance of appellant's claim to include the additional condition of unspecified rotator cuff tear or rupture of left shoulder, not specified as traumatic.

On April 5, 2024 appellant requested reconsideration of the October 23 and November 28, 2023 decisions. She continued to submit medical evidence in support of her disability claims.

By decision dated April 10, 2024, OWCP denied modification of the October 23 and November 28, 2023 decisions.

The Board, having duly considered this matter, finds that this 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, including when similar conditions are claimed in such cases.<sup>3</sup> This allows OWCP to consider all relevant claim files in developing a given claim.<sup>4</sup> Appellant's claims under OWCP File Nos. xxxxxx575,

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

<sup>4</sup> *Id.*

xxxxxx023, and xxxxxx806 should be administratively combined for a full and fair adjudication.<sup>5</sup> This will allow OWCP to consider all relevant reports and accompanying evidence in developing the current claim.<sup>6</sup>

The Board shall, therefore, remand the case for OWCP to administratively combine OWCP File Nos. xxxxxx575, xxxxxx023, and xxxxxx806. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision. Accordingly,

**IT IS HEREBY ORDERED THAT** the April 10, 2024 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further proceedings consistent with this order of the Board.

Issued: November 1, 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

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<sup>5</sup> See *Order Remanding Case, M.T.*, Docket No. 24-0753 (issued September 23, 2024); *Order Remanding Case, K.W.*, Docket No. 22-1258 (issued March 14, 2023).

<sup>6</sup> *Id.*, see also *K.G.*, Docket No. 21-0068 (issued July 29, 2022); *D.J.*, Docket No. 20-0997 (issued November 20, 2020); *S.D.*, Docket No. 19-0590 (issued August 28, 2020).