

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

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**M.T., Appellant** )

**and** )

**U.S. POSTAL SERVICE, VENICE POST** )  
**OFFICE, Venice, CA, Employer** )  
\_\_\_\_\_ )

**Docket No. 24-0753**  
**Issued: September 23, 2024**

*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  
JAMES D. MCGINLEY, Alternate Judge

On July 9, 2024 appellant filed a timely appeal from an April 15, 2024 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 24-0753.

On September 27, 2022 appellant, then a 66-year-old distribution clerk, filed an occupational disease claim (Form CA-2) alleging that she sustained injury to her hips, back and knees due to factors of her federal employment including daily repetitive motions of prolonged walking and standing on hard surfaces for eight hours a day, casing mail, pushing and pulling, and stooping and bending while casing and delivering mail. She noted that she first became aware of her condition and realized its relation to her federal employment on June 1, 2022.<sup>1</sup> OWCP assigned the claim OWCP File No. xxxxxx269.

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<sup>1</sup> OWCP assigned the current claim OWCP File No. xxxxxx269. The record reflects that appellant previously filed a Form CA-2 on February 22, 2014 for injuries sustained to her lower back due to factors of her federal employment. OWCP assigned that claim OWCP File No. xxxxxx015 and accepted it for sprain of back, lumbar region. Appellant also filed a Form CA-1 on April 6, 2020 alleging that on March 10, 2020 she sustained injury to her left knee, left hand, left wrist, left elbow, and ribs when her left foot got caught on the long strand of tape that was hanging from the wire while in the performance of duty. OWCP assigned that claim OWCP File No. xxxxxx592 and accepted it for contusion of left knee, left elbow, left wrist, and left front wall of thorax.

By decision dated December 28, 2022, OWCP denied appellant's occupational disease claim, finding that she had not established the implicated factors of her federal employment. Consequently, it concluded that the requirements had not been met to establish an injury as defined by FECA.

Appellant subsequently requested reconsideration. By decision dated April 25, 2023, OWCP modified its December 28, 2022 decision to find that appellant had established the implicated factors of her federal employment. However, the claim remained denied as the medical evidence of record was insufficient to establish that her injury arose during the course of employment and within the scope of compensable employment factors.

By decision dated April 15, 2024, OWCP denied modification of its April 25, 2023 decision. It noted that appellant had preexisting conditions, which her physician failed to differentiate from her current conditions, including a prior lumbar condition under OWCP File No. xxxxxx015 and a history of a left knee, elbow, wrist, and front wall of thorax injury under OWCP File No. xxxxxx592.

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>2</sup> This allows OWCP to consider all relevant claim files in developing a given claim.<sup>3</sup> As appellant's claims under OWCP File Nos. xxxxxx269, xxxxxx015 and xxxxxx592 involve lower back and/or knee conditions, these claims should be administratively combined for a full and fair adjudication.<sup>4</sup> This will allow OWCP to consider all relevant reports and accompanying evidence in developing the current claim.<sup>5</sup>

The Board shall, therefore, remand the case for OWCP to administratively combine OWCP File Nos. xxxxxx269, xxxxxx015, and xxxxxx592. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.<sup>6</sup> Accordingly,

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

<sup>3</sup> *Id.*

<sup>4</sup> *Order Remanding Case, K.W.*, Docket No. 22-1258 (issued March 14, 2023).

<sup>5</sup> *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).

<sup>6</sup> *Order Remanding Case, J.B.*, Docket No. 22-0127 (issued February 16, 2023).

**IT IS HEREBY ORDERED THAT** the April 15, 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: September 23, 2024  
Washington, DC

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

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

James D. McGinley, Alternate Judge  
Employees' Compensation Appeals Board