

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

A.P., Appellant)	
)	
and)	Docket No. 24-0808
)	Issued: September 18, 2024
U.S. POSTAL SERVICE, FREEHOLD POST)	
OFFICE, Freehold, NJ, Employer)	
)	

Appearances: *Case Submitted on the Record*
James D. Muirhead, Esq., for the appellant¹
Office of Solicitor, for the Director

ORDER REMANDING CASE

Before:
PATRICIA H. FITZGERALD, Deputy Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge
JAMES D. MCGINLEY, Alternate Judge

On August 2, 2024 appellant, through counsel, filed a timely appeal from an April 9, 2024 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 24-0808.

On July 26, 2023 appellant, then a 41-year-old rural carrier associate, filed a traumatic injury claim (Form CA-1) alleging that on April 9, 2023 he was involved in a car accident while in the performance of duty. He stated that he felt pain in his left hand/thumb which radiated up to his shoulder and neck, and on June 23, 2023 was diagnosed with carpal tunnel syndrome by Dr. Boris Furman, an osteopath and Board-certified neurologist. Appellant returned to work on April 13, 2023. In several statements, he explained that he accidentally hit a parked car while backing out of a customer's driveway. OWCP assigned this claim OWCP File No. xxxxxx664.

¹ 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 an 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.

By decision dated October 10, 2023, OWCP denied the claim, finding that the medical evidence of record was insufficient to establish a medical condition causally related to the accepted April 9, 2023 employment incident.

Appellant subsequently requested reconsideration. By decisions dated January 23 and April 4 and 9, 2024, OWCP denied modification. In the April 9, 2024 decision, OWCP referred to appellant's occupational disease claim under OWCP File xxxxxx965, which also involved an injury to appellant's upper back.²

The Board has duly considered this matter and 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.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

For a full and fair adjudication, this case shall be remanded to OWCP to administratively combine the present claim, OWCP File No. xxxxxx664, with OWCP File No. xxxxxx965.

Following this, and other such further development as deemed necessary, OWCP shall issue a *de novo* decision. Accordingly,

² In a notice of traumatic injury (Form CA-1) dated January 12, 2023, appellant alleged that he developed upper back pain on July 31, 2022 while delivering packages, and the next day the pain went up to his neck. OWCP assigned the traumatic injury claim OWCP File No. xxxxxx929, but later converted it to an occupational disease claim assigned OWCP File No. xxxxxx965.

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

⁴ *Id.*; *C.J.*, Docket No. 24-0241 (issued June 27, 2024); *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).

IT IS HEREBY ORDERED THAT the April 9, 2024 decision of the Office of Workers' Compensation Programs is set aside, and this case is remanded for further proceedings consistent with this order of the Board.

Issued: September 18, 2024
Washington, DC

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

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

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