

<sup>2</sup> The Board notes that following the October 25, 2021 decision, OWCP received additional evidence. However, the Board's *Rules of Procedure* provides: "The Board's review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal." 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this additional evidence for the first time on appeal. *Id.*

2003 while in the performance of duty.<sup>3</sup> In an accompanying statement, appellant explained that her extreme bilateral knee pain and pulling was due to walking up a 90-degree hill and steps to deliver a heavy parcel to a customer. OWCP accepted appellant's claim for aggravation of synovitis in both knees.

On June 6, 2016, appellant, through counsel, filed a claim for compensation (Form CA-7) requesting a schedule award.

By decision dated July 15, 2016, OWCP granted appellant schedule award compensation for 23 percent permanent impairment of each of her lower extremities.

OWCP subsequently determined that she had previously received schedule award compensation for 24 percent permanent impairment of her left lower extremity. It, therefore, set aside the July 15, 2016 decision. By decision dated April 5, 2017 granted her a schedule award for 23 percent permanent impairment of her right lower extremity only.

Appellant, through counsel, appealed the April 5, 2017 OWCP decision to the Board. By decision dated May 29, 2018, the Board set aside the April 5, 2017 decision, finding that there was an unresolved conflict of medical opinion evidence regarding the nature and extent of appellant's permanent impairment. The Board remanded the case to OWCP for referral to an impartial medical examiner (IME).

On remand, OWCP further developed the claim. By decision dated April 17, 2019, OWCP denied appellant's claim for an increased schedule award.

On April 24, 2019, appellant, through counsel, requested an oral hearing before a representative of OWCP's Branch of Hearings and Review. An oral hearing was held on August 8, 2019.

Appellant subsequently submitted additional medical evidence.

By decision dated October 15, 2019, OWCP's hearing representative vacated the April 17, 2019 decision, finding that further development of the medical evidence was required.

Following further development, by decision dated April 30, 2020, OWCP denied appellant's claim for an increased schedule award.

On May 5, 2020, appellant, through counsel, requested an oral hearing before a representative of OWCP's Branch of Hearings and Review. A hearing was held on August 13, 2020. Additional medical evidence was received.

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<sup>3</sup> OWCP assigned the present claim OWCP File No. xxxxxx965. Appellant has prior lower extremity claims before OWCP. Under OWCP File No. xxxxxx918, OWCP accepted that she sustained other tear of medial meniscus of knee, left; and chondromalacia, except patella, left. Under OWCP File No. xxxxxx535, it accepted sprain of unspecified sites, knee and leg, left. OWCP has not administratively combined these claims.

By decision dated October 29, 2020, OWCP's hearing representative vacated the April 30, 2020 OWCP decision and ordered further development.

Following further development, by *de novo* decision dated April 12, 2021, OWCP denied appellant's claim for an increased schedule award.

On April 19, 2021, appellant, through counsel, requested an oral hearing before a representative of OWCP's Branch of Hearings and Review. The telephonic hearing took place on August 11, 2021.

By decision dated October 25, 2021, OWCP's hearing representative affirmed the April 12, 2021 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, including when similar conditions are claimed in such cases.<sup>4</sup> This allows OWCP to consider all relevant claim files in developing a given claim.<sup>5</sup> Appellant's claims under OWCP File Nos. xxxxxx965, xxxxxx918, and xxxxxx535 all involve the lower extremities, and should therefore be administratively combined for a full and fair adjudication.<sup>6</sup> This will allow OWCP to consider all relevant reports and accompanying evidence in developing appellant's schedule award claim.<sup>7</sup>

The Board shall, therefore, remand the case for OWCP to administratively combine OWCP File Nos. xxxxxx965, xxxxxx918, and xxxxxx535. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision. Accordingly,

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<sup>4</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8c (February 2000).

<sup>5</sup> *Id.*

<sup>6</sup> See *Order Remanding Case, J.L.*, Docket No. 24-0785 (issued November 1, 2024); *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>7</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).

**IT IS HEREBY ORDERED THAT** the October 25, 2021 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: January 15, 2025  
Washington, DC

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

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

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