

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

M.M., Appellant)	
)	
and)	Docket No. 23-0186
)	Issued: May 18, 2023
U.S. POSTAL SERVICE, NORTHTOWN POST)	
OFFICE, Chicago, IL, Employer)	
)	

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

ORDER REMANDING CASE

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge
JAMES D. MCGINLEY, Alternate Judge

On November 21, 2022 appellant filed a timely appeal from a November 3, 2022 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 23-0186 to the appeal.

On September 10, 2022 appellant, then a 54-year-old distribution clerk, filed an occupational disease claim (Form CA-2) alleging that she developed lumbar radiculopathy and sacroiliac disorder due to factors of her federal employment. She noted that she first became aware of her claimed condition on August 9, 2022 and first realized its relation to her federal employment on September 6, 2022. Appellant stopped work on August 17, 2022. OWCP assigned this claim OWCP File No. xxxxxx159.

Appellant previously filed a Form CA-2 on October 22, 2012 alleging that she injured her lower back due to factors of her federal employment, including lifting mail into tubs repetitively. She noted that she first became aware of her claimed condition and realized its relation to her federal employment on July 17, 2012.¹ OWCP assigned this claim OWCP File No. xxxxxx309 and denied the claim. Appellant also filed a traumatic injury claim (Form CA-1) on October 6,

¹ By decision dated June 25, 2013, the Board affirmed the January 29, 2013 OWCP decision. *M.M.*, Docket No. 13-0841 (issued June 25, 2013).

2017 alleging that on September 21, 2017 she injured her lower back while in the performance of duty. OWCP assigned this claim OWCP File No. xxxxxx226 and denied the claim. Appellant's claims have not been administratively combined by OWCP.

By decision dated November 3, 2022, OWCP denied appellant's occupational disease claim in OWCP File No. xxxxxx159, finding that the evidence of record was insufficient to establish that her medical condition was causally related to the accepted factors of her federal employment. In this decision, it referenced appellant's previously filed claims for similar conditions.

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 depends on cross-referencing between files and when two or more injuries occur to the same part of the body.² As appellant's claims under OWCP File Nos. xxxxxx159, xxxxxx309, and xxxxxx226 all involve the lower back, these claims should be administratively combined for a full and fair adjudication.³ This will allow OWCP to consider all relevant claim files and accompanying evidence in developing this claim.

Accordingly, the Board will remand the case to OWCP to administratively combine OWCP File Nos. xxxxxx159, xxxxxx309, xxxxxx226, and any other pertinent files. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* merit decision. Accordingly,

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

³ *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 November 3, 2022 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: May 18, 2023
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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