

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

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**E.T., Appellant** )  
 )  
**and** ) **Docket No. 07-477**  
 ) **Issued: May 7, 1007**  
**U.S. POSTAL SERVICE, POST OFFICE,** )  
**Baltimore, MD, Employer** )

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

*Case Submitted on the Record*

**DECISION AND ORDER**

Before:  
ALEC J. KOROMILAS, Chief Judge  
DAVID S. GERSON, Judge  
JAMES A. HAYNES, Alternate Judge

**JURISDICTION**

On December 11, 2006 appellant filed a timely appeal from the Office of Workers' Compensation Programs' November 21, 2006 decision denying her claim for compensation. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this appeal.

**ISSUE**

The issue is whether appellant established entitlement for wage-loss compensation on September 7, 2006 while attending a medical appointment.

**FACTUAL HISTORY**

On April 22, 2004 appellant, then a 50-year-old custodian, filed an occupational disease claim alleging that she injured her right knee as a result of employment activities. The Office accepted her claim for a right lateral meniscus tear.

On September 14, 2006 appellant filed a claim for compensation for September 7, 2006. In the portion of the CA-7 form completed by the employing establishment, B. Freeman, I.C.

Specialist stated, “Agency verifies [four hours leave without pay (LWOP)].” In support of her claim, appellant submitted a time analysis form, dated September 14, 2006, indicating that she took four hours of LWOP on September 7, 2006 for the purpose of attending a doctor’s appointment. Appellant also submitted a billing statement from Orthopedic Associates of Central Maryland, reflecting that she attended an appointment on September 7, 2006 with Dr. Nicholas Grosso, a Board-certified orthopedic surgeon, for treatment of a bilateral knee condition.<sup>1</sup> A note dated September 7, 2006 from Dr. Grosso’s office reflected that appellant received bilateral Supartz injections in her knees on that date. Appellant submitted physician’s notes from Dr. Grosso’s office for the period February 6 through August 31, 2006.

On October 17, 2006 the Office informed appellant that the information submitted was insufficient to establish her claim as she had submitted no medical evidence. The Office afforded her 30 days to submit additional evidence. Appellant submitted a letter from Dr. Grosso certifying that she was seen in his office on September 7, 2006 and was able to return to work on September 8, 2006.

By decision dated November 17, 2006, the Office denied appellant’s claim for leave buy back on the grounds that the evidence did not establish that she was disabled on September 7, 2006 due to her accepted employment injury. On November 21, 2006 the Office reissued its November 17, 2006 decision, denying appellant’s claim for compensation for September 7, 2006 on the same grounds.

### **LEGAL PRECEDENT**

With respect to claimed disability for medical treatment, section 8103 of the Federal Employees’ Compensation Act provides for medical expenses, along with transportation and other expenses incidental to securing medical care for injuries.<sup>2</sup> Appellant would be entitled to compensation for any time missed from work due to medical treatment for an employment-related condition.<sup>3</sup> However, the Office’s obligation to pay for medical expenses and expenses incidental to obtaining medical care, such as loss of wages, extends only to expenses incurred for

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<sup>1</sup> The record reflects that on September 6, 2006 appellant submitted a claim for compensation and supporting documentation for time lost on August 31, 2006. By decision dated January 16, 2007, the Office denied her claim. As the appeal in this case was filed on December 11, 2006 prior to the issuance of the Office’s final decision, the Board does not have jurisdiction to consider the merits of appellant’s claim for compensation for August 31, 2006. The Board has jurisdiction to consider and decide appeals from the final decisions of the Office in any case arising under the Act. There shall be no appeal with respect to any interlocutory matter disposed of by the Office during the pendency of a case. At the time appellant filed her appeal with the Board on December 11, 2006, her claim for compensation for August 31, 2006 was in an interlocutory posture. *See* 20 C.F.R. § 501.2(c).

The Board also notes that on October 30, 2006 appellant submitted a claim for compensation and supporting documentation for time lost on October 23, 2006. As of the date of the filing of this appeal, the Office had not issued a final decision on appellant’s claim. As the matter is in an interlocutory posture, the Board does not have jurisdiction to consider the merits of the claim. *Id.*

<sup>2</sup> 5 U.S.C. § 8103(a).

<sup>3</sup> *Vincent E. Washington*, 40 ECAB 1242 (1989).

treatment of effects of any employment-related condition.<sup>4</sup> The Board will not require the Office to pay compensation for disability in the absence of medical evidence directly addressing the particular period of disability for which compensation is claimed. To do so would essentially allow employees to self-certify their disability and entitlement to compensation.<sup>5</sup>

As a rule, no more than four hours of compensation or continuation of pay should be allowed for routine medical appointments. Longer periods of time may be allowed when required by the nature of the medical procedure and/or the need to travel a substantial distance to obtain the medical care.<sup>6</sup>

### ANALYSIS

Appellant filed a claim for compensation for time lost on September 7, 2006 while she attended a medical appointment. Medical evidence submitted in support of appellant's claim consists of a billing statement from Orthopedic Associates of Central Maryland, reflecting that she attended an appointment on September 7, 2006 with Dr. Grosso for treatment of a bilateral knee condition; a note dated September 7, 2006 from Dr. Grosso's office reflecting that appellant received bilateral Supartz injections in her knees on that date; and a letter from Dr. Grosso certifying that appellant was seen in his office on September 7, 2006 and was able to return to work on September 8, 2006.

Appellant is entitled to compensation for any time missed from work due to medical treatment for an employment-related condition.<sup>7</sup> The Office's obligation to pay for medical expenses and expenses incidental to obtaining medical care such as loss of wages, extends only to expenses incurred for treatment of the effects of an employment-related condition.<sup>8</sup> As a rule, no more than four hours of compensation should be allowed for routine medical appointments. Longer periods of time may be allowed when required by the nature of the medical procedure and/or the need to travel a substantial distance to obtain the medical care.<sup>9</sup> In order for a determination to be made as to the proper amount of time to be allowed, appellant must submit evidence documenting the time spent for the required treatment. She submitted a time analysis form indicating that she took four hours of LWOP on September 7, 2006 for the purpose of attending a doctor's appointment; a billing statement reflecting that she attended an appointment on September 7, 2006 with Dr. Grosso for treatment of her knee condition; a September 7, 2006 note from Dr. Grosso's office reflecting that she received Supartz injections in her knees on that date; and a letter certifying that she was seen by Dr. Grosso on September 7, 2006. The Board finds that the evidence of record establishes that appellant is entitled to compensation for time

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<sup>4</sup> *Dorothy J. Bell*, 47 ECAB 624 (1996).

<sup>5</sup> *See Fereidoon Kharabi*, 52 ECAB 29 (2001).

<sup>6</sup> Federal (FECA) Procedure Manual, Part 3 -- Medical, Administrative Matters, Chapter 3.900.8 (June 1999).

<sup>7</sup> *See Dorothy J. Bell*, *supra* note 4; *Vincent E. Washington*, *supra* note 3; *see also* Federal (FECA) Procedure Manual, Part 3 -- Medical, Administrative Matters, Chapter 3.900.8 (June 1999).

<sup>8</sup> *Zane H. Cassell*, 32 ECAB 1537 (1981).

<sup>9</sup> Federal (FECA) Procedure Manual, Part 3 -- Medical, *Administrative Matters*, Chapter 3.900.8 (June 1999).

missed from work due to medical treatment for an employment-related condition on September 7, 2006. However, the Board further finds that this case is not in posture for a decision as to the hours of compensation that should be allowed for such treatment. The record does not reflect the length of time appellant spent with Dr. Grosso on the date in question or the time required for traveling to and from the appointment. The case must be remanded to the Office for further development of the evidence, in order to determine the proper amount of time to be allowed for appellant's September 7, 2006 appointment with Dr. Grosso.

**CONCLUSION**

The Board finds that appellant is entitled to compensation for time missed from work due to medical treatment for her employment-related condition. The Board further finds that this case is not in posture for a decision as to a determination of the appropriate amount of time that should be allowed for appellant's September 7, 2006 medical appointment and shall be remanded to the Office for further development.

**ORDER**

**IT IS HEREBY ORDERED THAT** the Office of Workers' Compensation Programs' November 21, 2006 decision is set aside and remanded for action consistent with this decision.

Issued: May 7, 1007  
Washington, DC

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

David S. Gerson, Judge  
Employees' Compensation Appeals Board

James A. Haynes, Alternate Judge  
Employees' Compensation Appeals Board