



appellant of the type of factual and medical evidence necessary to establish her claim and provided a questionnaire for her completion. It afforded her 30 days to submit the required evidence. In a separate letter also dated April 22, 2021, OWCP advised appellant that no action could be taken on her claim for compensation beginning March 30, 2021 until her case had been adjudicated as a recurrence claim.

In a May 5, 2021 response, appellant explained that she was not claiming a recurrence as it was the same condition she had experienced since April 18, 2006, but that her pain had become unbearable. She indicated that she had been working full-time light duty since July 2006 and that when her pain recently became unbearable, she underwent additional testing at the request of her treating physician, Dr. Shafi Wani, a Board-certified neurologist.

OWCP received medical reports dated May 6, July 26, September 27, and November 2, 2021; duty status reports (Form CA-17) dated April 26 and November 2, 2021; and return-to-work notes dated July 26, September 13, and November 3, 2021 from Dr. Wani regarding appellant's medical treatment.

OWCP also received a September 29, 2021 report from Dr. Wani regarding another patient of his, who had been involved in an automobile accident on January 29, 2021. This report did not pertain to appellant.

By decision dated December 10, 2021, OWCP denied appellant's claim for a recurrence, finding that she had not established that she required additional medical treatment due to a worsening of her accepted work-related conditions, without intervening cause.

On December 17, 2021 appellant requested reconsideration. In a December 16, 2021 statement, she indicated that she had not sustained a new injury. Appellant emphasized that she never stopped working and had worked full-time light duty with restrictions every day.

OWCP received additional medical records from Dr. Wani, including progress reports dated September 13, December 14 and 28, 2021, and February 22, 2022; and a return to work note dated December 17, 2021.

By decision dated March 17, 2022, OWCP denied modification of its December 10, 2021 decision. It noted that "[t]he medical report dated September 29, 2021 from Dr. Wani indicated that the claimant was involved in an automobile accident on January 9, 2021...." OWCP thus found that the January 2021 automobile accident was an independent intervening event, and that the current medical evidence failed to provide an opinion regarding the cause of appellant's current diagnosed conditions that differentiated the effects of the January 2021 automobile accident.

On March 25, 2022 appellant requested reconsideration. In an attached statement, she related that she had never been involved in an automobile accident and was not involved in a car accident in January 2021. Appellant also repeated her prior contention that she had only sustained injury on April 18, 2006.

Reports from Dr. Wani dated December 14, 2021 and February 22, 2022, previously of record, were also received by OWCP.

By decision dated March 30, 2022, OWCP denied appellant's reconsideration request, pursuant to 5 U.S.C. § 8128(a).

The Board, having duly considered this matter, finds that this case is not in posture for decision.

Section 8124(a) of the Federal Employees' Compensation Act<sup>1</sup> (FECA) provides that OWCP shall determine and make a finding of fact and an award for or against payment of compensation.<sup>2</sup> Its regulations at 20 C.F.R. § 10.126 provide that the decision of the Director of OWCP shall contain findings and facts and a statement of reasons.<sup>3</sup> As well, OWCP's procedures provide that the reasoning behind OWCP's evaluation should be clear enough for the reader to understand the precise defect of the claim and the kind of evidence which would overcome it.<sup>4</sup>

The case record establishes that OWCP adjudicated appellant's Form CA-7 claim for compensation as a recurrence claim. However, the CA-7a Time Analysis Form indicates that appellant was only claiming three hours of disability on March 30, 2021 and three hours of disability on March 31, 2021 due to doctor's appointments. OWCP's procedures provide that wages lost for compensable medical examinations or treatment may be reimbursed.<sup>5</sup> A claimant who has returned to work following an accepted injury or illness may need to undergo examination or treatment and such employee may be paid compensation for wage loss while obtaining medical services and for a reasonable time spent traveling to and from the medical provider's location.<sup>6</sup> For a routine medical appointment, a maximum of four hours of compensation may be allowed. The claims for wage loss should be considered on a case-by-case basis.<sup>7</sup> As OWCP has not made findings of fact or provided a statement of reasons regarding whether appellant has established entitlement to wage-loss compensation for up to four hours of time lost for medical treatment on March 30 and 31, 2021 causally related to her accepted employment injury, the case must be remanded for an *de novo* decision regarding appellant's entitlement to wage-loss compensation for up to four hours each on March 30 and 31, 2021.

The Board notes that in its March 17, 2022 decision, OWCP based its denial of the recurrence claim on the existence of a January 2021 automobile accident as an independent intervening event that broke the chain of causation. The Board finds, however, that the evidence upon which OWCP explicitly relied in denying appellant's claim was not in fact medical evidence related to appellant, but rather was evidence erroneously submitted by Dr. Wani regarding an altogether different patient and completely unrelated and irrelevant to appellant's medical history and condition. Accordingly,

---

<sup>1</sup> 5 U.S.C. § 8101 *et seq.*

<sup>2</sup> 5 U.S.C. § 8124(a).

<sup>3</sup> 20 C.F.R. § 10.126.

<sup>4</sup> Federal (FECA) Procedure Manual Part 2 -- Claims, *Disallowances*, Chapter 2.1400.5 (February 2013) (all decisions should contain findings of fact sufficient to identify the benefit being denied and the reason for the disallowance).

<sup>5</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *Wages Lost for Medical Examination or Treatment*, Chapter 2.901.19 (February 2013).

<sup>6</sup> *Id.* at Chapter 2.901.19.a.

<sup>7</sup> *Id.* at Chapter 2.901.19.c.

**IT IS HEREBY ORDERED THAT** the March 30 and 17, 2022 decisions of the Office of Workers' Compensation Programs are set aside and the case is remanded for further proceedings pursuant to this order of the Board.

Issued: December 29, 2022  
Washington, DC

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

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

Janice B. Askin, Judge  
Employees' Compensation Appeals Board