

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

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| T.S., Appellant |) | |
| |) | |
| and |) | Docket No. 24-0909 |
| |) | Issued: November 25, 2024 |
| U.S. POSTAL SERVICE, CARDISS COLLINS |) | |
| POST OFFICE, Chicago, IL, Employer |) | |
| _____ |) | |

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

Case Submitted on the Record

DECISION AND ORDER

Before:
PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On September 5, 2024 appellant filed a timely appeal from a May 17, 2024 merit decision of the Office of Workers' Compensation Programs (OWCP).¹ Pursuant to the Federal Employees' Compensation Act² (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

¹ The Board notes that following the May 17, 2024 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.*

² 5 U.S.C. § 8101 *et seq.*

ISSUE

The issue is whether appellant has met her burden of proof to establish her claim for wage-loss compensation, for the period March 4 through 8, 2024, for intermittent time lost from work to obtain medical treatment causally related to her accepted November 18, 2022 employment injury.

FACTUAL HISTORY

On November 21, 2022 appellant, then a 30-year-old city carrier assistant 1, filed a traumatic injury claim (Form CA-1) alleging that on November 18, 2022 she injured her knees, feet, side, and hands when the wheels on her delivery cart caught on a tree and the cart flipped causing her to trip and fall while in the performance of duty. She stopped work on that date. OWCP accepted appellant's claim for bilateral knee contusions, left knee abrasion, bilateral foot and ankle strain, and lumbar strain. Appellant returned to full-time modified-duty work on January 3, 2023.

On March 13, 2024 appellant filed a claim for compensation (Form CA-7) claiming intermittent disability from work for the period February 24 through March 8, 2024. The accompanying time analysis form (Form CA-7a) indicated that she used eight hours of leave without pay (LWOP) on March 4, 2024 for a doctor's appointment, 1.02 hours of LWOP on March 5, 2024, 7.21 hours of LWOP on March 6, 2024, and 8.00 hours each of LWOP on March 7 and 8, 2024 as there was no work available.

In a development letter dated March 15, 2024, OWCP informed appellant of the deficiencies of her claim for wage-loss compensation to obtain medical care for the period March 4 through 8, 2024. It advised her of the type of medical evidence needed and afforded her 30 days to respond.

OWCP received additional evidence.

By decision dated May 17, 2024, OWCP denied appellant's claim for wage-loss compensation, for the period March 4 through 8, 2024, for intermittent time lost from work to obtain medical treatment causally related to the accepted November 18, 2022 employment injury.

LEGAL PRECEDENT

Section 8103 of FECA provides for medical expenses, along with transportation and other expenses incidental to securing medical care, for injuries.³ A claimant is entitled to compensation for any time missed from work due to medical examination or treatment for an employment-related condition.⁴ However, OWCP's obligation to pay for expenses incidental to obtaining medical care, such as loss of wages, extends only to expenses incurred for treatment of the effects of any

³ 5 U.S.C. § 8103(a).

⁴ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Wages Lost for Medical Examination or Treatment*, Chapter 2.901.19 (February 2013); *see S.M.*, Docket No. 17-1557 (issued September 4, 2018).

employment-related condition.⁵ Appellant has the burden of proof, which includes the necessity to submit supporting rationalized medical evidence.⁶ The evidence should establish that a claimant attended an examination or treatment for the accepted work injury on the dates claimed in order for compensation to be payable.⁷ For a routine medical appointment, a maximum of four hours of compensation may be allowed.⁸ However, 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. The claims for wage loss should be considered on a case-by-case basis.⁹

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish her claim for wage-loss compensation, for the period March 4 through 8, 2024, for intermittent time lost from work to obtain medical treatment causally related to her accepted November 18, 2022 employment injury.

As was noted above, OWCP's procedures provide that wages lost for compensable medical examination or treatment may be reimbursed.¹⁰ The evidence should establish that a claimant attended an examination or treatment for the accepted work injury on the dates claimed in order for compensation to be payable. For a routine medical appointment, a maximum of four hours may be allowed.¹¹ While appellant alleged disability from work for attending medical appointments, the medical evidence of record does not establish that she attended a medical appointment during this time frame for treatment of her accepted employment injuries.

As appellant has not submitted medical evidence establishing her claim for wage-loss compensation, for the period March 4 through 8, 2024, for intermittent time lost from work to obtain medical treatment causally related to her accepted November 18, 2022 employment injury, the Board finds that she has failed to meet her burden of proof.

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605 through 10.607.

⁵ *H.S.*, Docket No. 23-0557 (issued October 5, 2023); *Zane H. Cassell*, 32 ECAB 1537, 1540-41 (1981).

⁶ *Id.*; see also *S.M.*, *supra* note 4.

⁷ *Supra* note 4 at Chapter 2.901.19a(3).

⁸ *J.B.*, Docket No. 22-1301 (issued March 26, 2024); *A.F.*, Docket No. 20-0522 (issued November 4, 2020).

⁹ *Id.* at Chapter 2.901.19c.

¹⁰ *Supra* note 4.

¹¹ *Id.*

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish her claim for wage-loss compensation, for the period March 4 through 8, 2024, for intermittent time lost from work to obtain medical treatment causally related to her accepted November 18, 2022 employment injury.¹²

ORDER

IT IS HEREBY ORDERED THAT the May 17, 2024 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: November 25, 2024
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

¹² The Board notes that OWCP has not adjudicated the claim to determine whether appellant's remaining claimed disability was causally related to the accepted November 18, 2022 employment injury. Thus, this issue is not currently before the Board. *See* 20 C.F.R. § 501.2(c).