

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

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<b>T.J., Appellant</b>	)	
	)	
<b>and</b>	)	<b>Docket No. 24-0706</b>
	)	<b>Issued: September 6, 2024</b>
<b>U.S. POSTAL SERVICE, PARK HILLS POST</b>	)	
<b>OFFICE, Park Hills, MO, Employer</b>	)	
_____	)	

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

*Case Submitted on the Record*

**DECISION AND ORDER**

Before:  
ALEC J. KOROMILAS, Chief Judge  
VALERIE D. EVANS-HARRELL, Alternate Judge  
JAMES D. MCGINLEY, Alternate Judge

**JURISDICTION**

On June 14, 2024 appellant filed a timely appeal from May 15 and June 13, 2024 merit decisions of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act<sup>1</sup> (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

**ISSUE**

The issue is whether OWCP has abused its discretion by denying appellant's requests for reimbursement of travel expense on March 7, 2024 and meal expense on April 11, 2024.

**FACTUAL HISTORY**

On September 8, 2023 appellant, then a 37-year-old rural carrier, filed an occupational disease claim (Form CA-2) alleging that she was exposed to COVID-19 due to factors of her federal employment, including working in the office and delivering mail to customers. She noted

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

that she first became aware of the condition and of its relation to her federal employment on September 7, 2023. Appellant stopped work on September 8, 2023 and returned on September 23, 2023. By decision dated September 28, 2023, OWCP accepted her claim for COVID-19. It paid appellant wage-loss compensation on the supplemental rolls from September 8 through 22, 2023.

In reports dated December 4, 2023 and January 4 and February 1, 2024, Dr. Syed Naseeruddin, a Board-certified family medicine physician, recounted appellant's medical history and diagnosed COVID-19. Appellant was treated by Dr. Naseeruddin at a medical clinic located in Cordova, Tennessee.

On February 27, 2024 appellant filed a claim for travel reimbursement for expenses for the dates of February 1 and March 7, 2024. She reported the estimated total mileage was 596 miles on each date.

In a letter dated February 27, 2024, OWCP advised appellant that it was unable to authorize her request for travel reimbursement because she had not provided verification that she obtained medical treatment for COVID-19 on March 7, 2024. It also informed her that generally a roundtrip distance of 100 miles was considered a reasonable distance to travel. OWCP further noted that, if a roundtrip of more than 100 miles was contemplated, an employee must submit a written request describing the circumstances and necessity for travel expenses such as air transportation or overnight accommodations. It advised appellant to submit the necessary documentation within 30 days.

On March 19, 2024 appellant filed a claim for travel reimbursement for expenses on December 4, 2023, and January 4, February 1, and March 7, 2024. She reported the estimated total mileage was 596 miles on each date.

By decision dated April 4, 2024, OWCP granted appellant's claim for travel reimbursement for February 1, 2024, but denied travel reimbursement for March 7, 2024. In granting mileage reimbursement, it found evidence of an appointment on February 1, 2024. OWCP denied the remainder of appellant's claim for travel reimbursement because she failed to submit evidence and/or an explanation to support the necessity and circumstances for reimbursement for the entirety of travel expenses claimed.

OWCP explained:

“20 C.F.R. § 10.315 provides that for non-emergency medical treatment, a roundtrip distance of up to 100 miles is a reasonable distance to travel and should be undertaken by the shortest route when practical. Additionally, if roundtrip travel of more than 100 miles is contemplated, or air transportation or overnight accommodations will be needed, the employee must submit a written request to OWCP for prior authorization explaining the circumstances and necessity for such travel expenses. Program policy provides that prior authorization is also required for travel expenses, (such as cab fare, rideshare, or special conveyance), expected to exceed \$75.00. Further, program policy provides that absent extenuating

circumstances, when travel is less than 12 hours in total, or fewer than 500 miles roundtrip, there is no reimbursement for meals or lodging.”

In a report dated April 11, 2024, Dr. Naseeruddin provided examination findings and diagnosed COVID-19.

In a letter dated April 12, 2024, OWCP advised appellant that it was unable to authorize her request for travel reimbursement because she had not provided verification that she obtained medical treatment for COVID-19 on March 7, 2024. It again informed her that generally a roundtrip distance of 100 miles was considered a reasonable distance to travel. OWCP further noted that, if a roundtrip of more than 100 miles was contemplated, an employee must submit a written request describing the circumstances and necessity for travel expenses such as air transportation or overnight accommodations. It advised appellant to submit the necessary documentation within 30 days.

On April 17, 2024 appellant filed a claim for travel reimbursement for expenses incurred on April 11, 2024. She reported the estimated total mileage was 596 miles.

In a letter dated May 1, 2024, OWCP advised appellant that it was unable to authorize her request for travel reimbursement for April 11, 2024. It noted that there was no evidence that she had received prior authorization. OWCP advised appellant to submit the necessary documentation within 30 days.

In response to OWCP’s May 1, 2024 letter, appellant submitted a map of locations for federal injury centers, noting that she attended the one closest to her home.

In a letter dated May 11, 2024, appellant explained that she sought treatment at the closest federal injury center. She related that the medical professionals at the federal injury center treated her for five separate compensation claims. Appellant explained that all of her providers, including doctor, nurse, physical therapist, and chiropractor, were located in the same building, and that treatment at the center saved her time and money in the long run as it takes two days instead of five days to fit in all her appointments.

By decision dated May 15, 2024, OWCP denied appellant’s claim for travel reimbursement for March 7, 2024. It found no evidence of a prior authorization for travel expenses for travel over 100 miles roundtrip. In addition, OWCP found that appellant failed to submit sufficient rationale or evidence supporting that the requested expenses were reasonable and necessary.

By decision dated June 7, 2024, OWCP denied in part appellant’s claim for travel reimbursement for April 11, 2024. It found the evidence sufficient to approve her travel miles, but denied her claim for meals because she failed to request preauthorization for reimbursement of her meals. OWCP requested that appellant find a new provider for treatment of her COVID-19 who was within a more acceptable distance from her residence. It informed her that she had not been preauthorized for travel or meals for her accepted COVID-19, nor would it be authorized in the future for this claim.

On June 7, 2024 appellant requested reconsideration.

By decision dated June 13, 2024, OWCP denied modification of the June 7, 2024 decision finding appellant was not entitled to meal reimbursement on April 11, 2024. It advised her there were providers closer to her home who could treat her accepted condition.

### **LEGAL PRECEDENT**

OWCP regulations provide that the employee is entitled to reimbursement for reasonable and necessary expenses, including transportation needed to obtain authorized medical services, appliances, or supplies.<sup>2</sup> To determine a reasonable travel distance, it will consider the availability of services, the employee's condition, and the means of transportation. Effective August 29, 2011, the most recent regulations provide that a round-trip distance of up to 100 miles is considered a reasonable distance to travel.<sup>3</sup> If roundtrip travel of more than 100 miles is contemplated, or air transportation or overnight accommodations will be needed, the employee must submit a written request to OWCP for prior authorization with information describing the circumstances and necessity for such travel expenses. OWCP will approve the request if it determines that the travel expenses are reasonable and necessary, and are related to obtaining authorized medical services, appliances, or supplies.<sup>4</sup>

Pursuant to FECA Bulletin No. 14-02, when a claimant submits a travel reimbursement in excess of 100 miles for a single date of service, the bill will automatically be suspended, and the Central Bill Processing provider will send notification to OWCP's claims examiner.<sup>5</sup> FECA Bulletin No. 14-02 notes that in some limited circumstances it may be necessary for a claimant to travel more than 100 miles on a regular basis, such as when the claimant lives in a remote area.<sup>6</sup>

In interpreting this section, the Board has recognized that OWCP has broad discretion in approving services provided under FECA.<sup>7</sup> The only limitation on OWCP's authority is that of reasonableness. OWCP may authorize medical treatment but determine that the travel expense incurred for such authorized treatment was unreasonable or unnecessary.<sup>8</sup>

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<sup>2</sup> 20 C.F.R. § 10.315(a).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at 10.315(b).

<sup>5</sup> FECA Bulletin No. 14-02 (issued January 29, 2014).

<sup>6</sup> *Id.*

<sup>7</sup> *V.L.*, Docket No. 23-0061 (issued August 22, 2023); *S.M.*, Docket No. 19-0989 (issued May 12, 2020); *G.C.*, Docket No. 19-0298 (issued June 24, 2019).

<sup>8</sup> *Id.*

## ANALYSIS

The Board finds that OWCP has not abused its discretion by denying appellant's requests for travel reimbursements on March 7, 2024, and reimbursement of meal expenses incurred during travel for medical treatment on April 11, 2024.

Appellant submitted requests for travel reimbursement for medical treatment on March 7, 2024, and April 11, 2024. By decision dated May 15, 2024, OWCP denied appellant's claim for travel reimbursement for March 7, 2024 because she failed to obtain prior authorization and did not submit any explanation or evidence explaining how the expenses were reasonable and necessary to obtain treatment for COVID-19. OWCP, by decision dated June 13, 2024, disapproved reimbursement for April 11, 2024 meal expense because she had not requested preauthorization for the travel and did not show that expenses were reasonable and necessary for treatment.

OWCP's regulations provide that, generally, a round trip of up to 100 miles is a reasonable distance to travel.<sup>9</sup> There may be circumstances where reimbursement for travel of more than 100 miles is appropriate. An example of those circumstances might be an appellant who lives in a remote area with limited medical services and physicians of an appropriate specialty.<sup>10</sup> To establish that a travel reimbursement of more than 100 miles is warranted, OWCP's regulations indicate that the claimant must provide information describing the circumstances and necessity for such travel expenses. Appellant has not provided sufficient evidence to explain the necessity of traveling 298 miles each way to Cordova, Tennessee to seek care, or why such travel was reasonable.<sup>11</sup> She maintained that she went to the closest federal injury center in Tennessee, and that in the long run that going to this facility saved her time as all of her providers are located in the same building. However, appellant has provided no evidence to establish a lack of available services closer to her home for treatment of COVID-19, or a specific need for the distances for which she was requesting authorization for reimbursement.<sup>12</sup> Although OWCP had authorized her to see Dr. Naseeruddin, issues of authorization for medical treatment, and reimbursement of travel expenses for medical treatment are separate and distinct. It may authorize medical treatment, but determine that the travel expense incurred for such authorized treatment was unreasonable or unnecessary.<sup>13</sup> Although OWCP had authorized travel expenses to Dr. Naseeruddin in the past, this past practice does not establish a right to continuing authorization.<sup>14</sup> As indicated in FECA

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<sup>9</sup> 20 C.F.R. § 10.315(a).

<sup>10</sup> *Id.* at 10.315(b).

<sup>11</sup> *K.H.*, Docket No. 20-1134 (issued August 8, 2020); *G.C.*, *supra* note 7; *D.C.*, Docket No. 18-0080 (issued May 22, 2018); *M.B.*, Docket No. 17-1072 (issued August 16, 2017); *M.M.*, Docket No. 15-1724 (issued February 16, 2016).

<sup>12</sup> *Id.*

<sup>13</sup> *D.V.*, Docket No. 24-0671 (issued August 26, 2024); *S.M.*, Docket No. 19-0989 (issued May 12, 2020); *G.C.*, *supra* note 7.

<sup>14</sup> *See W.H.*, Docket No. 14-1662 (issued February 3, 2015).

Bulletin No. 14-02, any travel reimbursement request of more than 100 miles was to be reviewed by an OWCP claims examiner.<sup>15</sup>

OWCP has broad discretion in considering whether to reimburse or authorize travel expenses.<sup>16</sup> As the only limitation on its authority is reasonableness, abuse of discretion is generally shown through proof of manifest error, clearly unreasonable exercise of judgment, or actions taken which are contrary to both logic and probable deduction from known facts.<sup>17</sup> The Board thus finds that OWCP has not abused its discretion by denying appellant's travel reimbursement requests over 100 miles roundtrip.<sup>18</sup> OWCP has administrative discretion with respect to authorization for travel reimbursement.<sup>19</sup> Appellant has not submitted probative evidence with respect to the necessity of travel over the 100-mile roundtrip standard set forth in OWCP regulations. Therefore, the expenses appellant incurred for travel beyond the 100-mile roundtrip limit must be considered personal to her.<sup>20</sup>

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.

### CONCLUSION

The Board finds that OWCP has not abused its discretion by denying appellant's requests for reimbursement of travel expense on March 7, 2024 and meal expense on April 11, 2024.

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<sup>15</sup> *Supra* note 5.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *K.H.*, *supra* note 11; *J.J.*, Docket No. 10-1908 (issued June 16, 2011).

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

**ORDER**

**IT IS HEREBY ORDERED THAT** the May 15, 2024 and June 13, 2024 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: September 6, 2024  
Washington, DC

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

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

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