

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of RAYMOND H. CHANDLER and U.S. POSTAL SERVICE,
POST OFFICE, Youngstown, Ohio

*Docket No. 96-1225; Submitted on the Record;
Issued April 13, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
MICHAEL E. GROOM

The issue is whether the Office of Workers' Compensation Programs properly denied appellant's request to repurchase four hours of annual leave used to attend a hearing.

The Office accepted that in 1985 appellant sustained acute lumbosacral strain and herniated discs at L3-4 and L4-5 in the performance of duty and paid appropriate compensation. Appellant returned to limited-duty employment for four hours per day on December 13, 1993.¹ On June 16, 1994 appellant filed a notice of recurrence of disability and claim for compensation (Form CA-2a) alleging that on June 12, 1994 he sustained a recurrence of disability due to the 1985 employment injury. Appellant stopped work on June 13, 1994 and returned to work on June 16, 1994. By decision dated August 8, 1994, the Office denied appellant's claim on the grounds that the evidence failed to establish that he sustained a recurrence of disability on June 12, 1994 causally related to his 1985 employment injury.

Appellant requested a hearing before an Office hearing representative, which was held on February 23, 1995. By decision dated July 19, 1995, the Office hearing representative vacated the August 8, 1994 decision and found that appellant had established entitlement to compensation from June 13 to 15, 1994 due to his accepted employment injury.

On August 22, 1995 appellant filed a claim for continuing compensation on account of disability (Form CA-8) requesting the repurchase of four hours of annual leave used to attend the Office hearing on February 23, 1995.

By decision dated January 26, 1996, the Office denied appellant's request to repurchase annual leave used to attend the Office hearing.

¹ On May 3, 1994 the Office issued a wage-earning capacity determination based on appellant's actual wages as a part-time modified mailhandler.

The Board has duly reviewed the case record and finds that the Office properly denied appellant's request to repurchase four hours of annual leave used to attend a hearing.

Neither the Federal Employees' Compensation Act² nor its implementing regulations³ contain any provision which authorizes the payment of expenses incurred by a claimant in attending a hearing. The terms of the Act are specific as to the method and amount of payment of compensation. Neither the Office nor the Board has the authority to enlarge the terms of the Act or to make an award of benefits under any terms other than those specified in the statute. Unless a claimant's contentions are in keeping with the scope or intent of the Act, *i.e.*, unless the statute authorizes payment of the kind demanded, the Office's denial of such demands must be affirmed.⁴ The Office, therefore, properly found that appellant was not entitled to repurchase four hours of annual leave used on February 23, 1995 to attend his hearing.

The decision of the Office of Workers' Compensation Programs dated January 26, 1996 is hereby affirmed.

Dated, Washington, D.C.
April 13, 1998

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

Michael E. Groom
Alternate Member

² 5 U.S.C. §§ 8101-8193.

³ 20 C.F.R. § 10.1 *et seq.*

⁴ *Alonzo R. Witherspoon*, 43 ECAB 1120 (1992).