

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of RANDALL W. WARD and DEPARTMENT OF THE NAVY,
NAVAL AIR STATION, Lemoore, CA

*Docket No. 98-2433; Submitted on the Record;
Issued June 28, 2000*

DECISION and ORDER

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

The issue is whether appellant is entitled to reimbursement for travel expenses incurred while seeking medical treatment for his accepted employment injuries for the period 1992 to September 30, 1996.

The Office of Workers' Compensation Programs accepted that appellant sustained right carpal tunnel syndrome in the performance of duty as a heavy equipment mechanic prior to May 21, 1991. The Office also accepted that he sustained cervical trauma, a heart contusion and a low back injury due to an automobile accident in the performance of duty on September 22, 1992. The Office further accepted that appellant sustained low back strain in the performance of duty on January 21, 1997.

On February 2, 1998 appellant submitted a travel voucher claiming reimbursement for travel expenses related to his accepted employment injuries beginning in 1993 and continuing through September 27, 1996.

On a February form letter mailed to appellant the Office responded, checking the statement that: "Bill is not payable due to 1[-]year statutory time limitation as per FECA regulation Sec. 10.413."

By letter dated May 6, 1998, appellant requested waiver of the time period for filing mileage claims, claiming that he was unaware that such a limit existed.

On May 14, 1998 the Office advised appellant that bills received more than one year beyond the calendar year in which the claim was first accepted would not be paid.

By decision dated June 24, 1998, the Office rejected appellant's claim for reimbursement for the period from 1992 to September 30, 1996. The Office explained that bills for travel reimbursement submitted more than one year beyond the calendar year in which the expense was incurred were not payable in accordance with the Code of Federal Regulations, section 10.413.

The Board finds that the Office properly determined that appellant was not entitled to reimbursement for travel expenses incurred while seeking medical treatment for his accepted employment injuries for the period 1992 to September 30, 1996.

Medical expenses, along with transportation and other expenses incidental to securing medical care, are covered by section 8103 of the Federal Employees' Compensation Act.¹ This section provides that the United States shall furnish to an employee who is injured while in the performance of duty, the services, appliances and supplies prescribed or recommended by a qualified physician, which the Secretary of Labor considers likely to cure, give relief, reduce the degree of the period of any disability or aid in lessening the amount of any monthly compensation. These services, appliances and supplies shall be furnished by or on the order of the United States medical officers and hospital or at the employee's option, by or on the order of physicians and hospitals designated or approved by the Secretary. The employee may be furnished necessary and reasonable transportation and expenses incident to the securing of such services, appliances and supplies.²

However, 20 C.F.R. § 10.413, of the Office's implementing regulations, clearly states:

“The Office will reimburse claimants and providers promptly for all bills received on an approved form and in a timely manner. However, no bill will be paid for expenses incurred if the bill is submitted more than one year beyond the calendar year in which the expense was incurred or the service or supply was provided or more than one year beyond the calendar year in which the claim was first accepted by the Office, whichever is later.”

In the instant case, appellant seeks reimbursement for travel expenses incurred from 1992 through September 27, 1996, however, these travel vouchers were not submitted for reimbursement until February 2, 1998, which is clearly more than one calendar year after September 27, 1996 or, considering appellant's most recently accepted employment injury, more than one year after January 21, 1997. As these vouchers were untimely submitted, they are not payable under 5 U.S.C. § 8103 or 20 C.F.R. § 10.413 and there are no provisions for the waiver of application of these regulations.

¹ 5 U.S.C. § 8103.

² *Linda Holbrook*, 38 ECAB 229 (1986); 5 U.S.C. § 8103(a); 20 C.F.R. § 10.401(a).

Accordingly, the decision of the Office of Workers' Compensation Programs dated June 24, 1998 is hereby affirmed.

Dated, Washington, D.C.
June 28, 2000

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

Michael E. Groom
Alternate Member