

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of NANCY D. OLIVER and NATIONAL LABOR RELATIONS BOARD,  
REGIONAL OFFICE, Detroit, MI

*Docket No. 02-1865; Submitted on the Record;  
Issued April 11, 2003*

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DECISION and ORDER

Before ALEC J. KOROMILAS, COLLEEN DUFFY KIKO,  
DAVID S. GERSON

The issue is whether the medical charges for services provided in 1999 were timely filed and may be processed for payment under the Federal Employees' Compensation Act.

In March 1996 the Office of Workers' Compensation Programs accepted that appellant, then a 39-year-old field examiner, sustained three fractured teeth (numbers 6, 8 and 9), fracture of the base of the left fifth finger and facial abrasions and lacerations. Appellant underwent medical work in March and April 1996 to repair her fractured teeth.<sup>1</sup> The case was silent until 1999 when appellant indicated that she had further problems with her teeth. The record contains a November 15, 1999 letter in which Dr. William Sriro, DDS, indicated that he provided medical services to repair tooth number 6 and that an additional \$750.00 in services for a new post, core and crown would be necessary. He noted that he tried to recement the old post crown on July 22, 1999 and that he fashioned and cemented a temporary crown on November 8, 1999. By letter dated November 30, 1999, the Office authorized the dental treatment plan outlined by Dr. Sriro. Appellant, Dr. Sriro and the employing establishment were advised regarding the submission of medical bills, including the use of a Form 1500. Dr. Sriro contacted the Office on May 10, 2000 requesting a Form 1500. On May 11, 2000 the Office mailed a Form 1500 to Dr. Sriro.

By letter dated October 21, 2001, appellant claimed that she was entitled to reimbursement for payment of \$871.84 in medical services to Dr. Sriro. She indicated that she had experienced medical problems which delayed her attention to the matter. Appellant stated that she had recently learned that the services were unpaid and then paid them herself. By letter dated December 7, 2001, appellant again requested reimbursement for the services provided by Dr. Sriro. She attached a billing history which indicated that \$871.84 was paid by credit card. By decision dated January 24, 2002, the Office denied appellant's claim for reimbursement of

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<sup>1</sup> Payment for these medical services is not the subject of the current appeal. The record contains an August 15, 1996 letter which indicates that appellant was advised there is a one-year time limit for filing bills for medical services.

the claimed medical services on the grounds that medical charges for the services were not timely filed and may not be processed for payment under the Act.

The Board finds that the medical charges for services provided in 1999 were not timely filed and may not be processed for payment under the Act.

Office regulations concerning timely submission of bills for medical treatment provide:

“To be considered for payment, bills must be submitted by the end of the calendar year after the year when the expense was incurred, or by the end of the calendar year after the year when [the Office] first accepted the claim as compensable, whichever is later.”<sup>2</sup>

In the present case, the record reveals that Dr. Sriro performed authorized repair work on tooth number six prior to November 15, 1999. In a letter dated November 15, 1999, Dr. Sriro indicated that he had provided a temporary crown for appellant. He noted that he tried to recement the old post crown on July 22, 1999 and that he fashioned and cemented a temporary crown on November 8, 1999. By letter dated November 30, 1999, the Office authorized the dental treatment plan outlined by Dr. Sriro. Therefore, with respect to this documented dental work performed in 1999, appellant would have had until December 31, 2000 to file a claim for reimbursement of these medical services.<sup>3</sup> Appellant did not contact the Office and claim reimbursement for these medical services until October 2001, *i.e.*, a date after December 31, 2000.<sup>4</sup> Therefore, the Office properly determined that the medical charges for services provided in 1999 were not timely filed and may not be processed for payment under the Act.<sup>5</sup>

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<sup>2</sup> 20 C.F.R. § 10.336.

<sup>3</sup> If appellant had further dental work performed in 2000 under the authorized treatment plan of Dr. Sriro, she would have had until December 31, 2001 to submit a claim for reimbursement of those medical services. However, appellant did not submit any documentation showing that she had such medical treatment in 2000.

<sup>4</sup> Moreover, it should be noted that appellant claimed she paid \$871.84 by credit card for services provided by Dr. Sriro, but it remains unclear precisely to what services this payment was applied.

<sup>5</sup> See *Carol E. Donahue*, 43 ECAB 316, 317 (1991).

The decision of the Office of Workers' Compensation Programs dated January 24, 2002 is affirmed.

Dated, Washington, DC  
April 11, 2003

Alec J. Koromilas  
Chairman

Colleen Duffy Kiko  
Member

David S. Gerson  
Alternate Member