

a letter requesting waiver of the untimely filing for travel reimbursement. An October 14, 2008 CA-110 form indicated that he had a meeting with a claims examiner on the issue.

In a decision dated October 28, 2008, the Office found that appellant had submitted a claim for reimbursement of injury-related travel expenses for intermittent dates from August 18, 1998 to August 27, 1999. It stated that the claims were denied on August 28, 2008 and at an October 14, 2008 meeting he requested waiver of the timely filing requirement.¹ The Office noted that appellant submitted a January 15, 1998 notice of payments for medical bills. According to the Office, he stated that these expenses had been paid even though he did not meet the timely filing requirement. It stated that a waiver of the timely filing requirement for medical expenses was not warranted in this case and it cited 20 C.F.R. § 10.413.

LEGAL PRECEDENT

Office regulations regarding the submission of bills related to medical treatment provides: “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.”²

ANALYSIS

In the present case, appellant sought reimbursement for employment-related travel expenses from August 1998 to August 1999. The Office cited to 20 C.F.R. § 10.413, an old regulation that was in effect from April 1, 1987 to January 3, 1999. The current and similar regulation is 20 C.F.R. § 10.336, which also provides that bills must be submitted by the end of the calendar year after which the expense is incurred or the claim accepted, whichever is later. In this case, the claim was accepted in 1989. Therefore, any bills for 1998 must be submitted by December 31, 1998 and bills for 1999 by the end of December 31, 1999. Appellant did not submit the bills until 2008 and therefore they are untimely.

On appeal, appellant contends that the Office was incorrect in stating that his January 15, 1998 reimbursement of expenses was based on a waiver of the timely submission requirement. Regardless of the circumstances of a prior reimbursement, the Board notes that 20 C.F.R. § 10.336 does not provide a waiver provision. In *Randall W. Ward*,³ which involved the earlier regulations 20 C.F.R. § 10.413, the claimant requested a waiver of the one-year submission requirement. The Board noted that there was no waiver provision and found that the Office properly denied payment as the bills submitted were untimely. Similarly, there is no waiver provision under 20 C.F.R. § 10.336. While appellant may have requested waiver, the clear language of the regulations requires that bills must be submitted in a timely manner. Since the

¹ The record does not contain an August 28, 2008 denial letter. The evidence includes an August 21, 2008 document indicating that 29 bills for reimbursement had been submitted, totaling \$1,948.52 for the period August 18, 1998 to August 27, 1999 and claims were denied as untimely.

² 20 C.F.R. § 10.336 (2008).

³ 51 ECAB 577 (2000).

bills in this case were submitted after the calendar year in which they were incurred, they are untimely and the Office properly denied reimbursement.

CONCLUSION

The Board finds that appellant was not entitled to the claimed reimbursement for medical expenses as the bills were not timely submitted.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated October 28, 2008 is affirmed.

Issued: November 4, 2009
Washington, DC

David S. Gerson, Judge
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board

James A. Haynes, Alternate Judge
Employees' Compensation Appeals Board