



## **FACTUAL HISTORY**

On December 6, 1986 appellant, then a 39-year-old budget analyst, filed a traumatic injury claim alleging that on November 21, 1986, she slipped on a waxed floor. She was able to hold onto a water fountain and not fall. In the process of catching herself, appellant twisted and injured her low back and rib. At the time she filed her claim, she lived in Laurel, Maryland. OWCP accepted appellant's claim for low back strain; compression fracture; depression; osteoporosis of the lumbar spine and degenerative joint disease of the lumbar spine.

In 1991, appellant began treatment with Dr. Patrick J. Sheehan, a Board-certified psychiatrist, who treated her for major depression and moderate anxiety disorder which he attributed to her accepted employment injury. In a June 13, 2013 letter, Dr. Sheehan noted that he saw her once every three months for treatment due to her work-related injury.

On September 30, 2011 appellant moved from Laurel, Maryland to Ocean Pines, Maryland. She continued to see Dr. Sheehan four times a year after her move and OWCP reimbursed her for mileage and tolls.

By letter dated July 23, 2012, OWCP informed appellant that it had determined that based on her medical conditions, it was not beneficial for her to travel over 200 miles for routine medical visits. It requested that she find new physicians in closer proximity to her residence. In an August 9, 2012 letter to appellant's senator, OWCP noted that it would continue to process her travel reimbursement, but that, if the frequency of her visits increased, it would have to review her claim to determine if long distance medical care was necessary.

In a June 13, 2013 letter, Dr. Sheehan stated that he treated appellant once every three months for a work-related injury. In a July 11, 2013 note, he indicated that she was seen on that date for treatment of a work-related injury. Accompanying the medical report, appellant submitted a transportation and travel authorization request.

By decision dated September 25, 2013, OWCP denied appellant's request for travel reimbursement for attending a physician's appointment over 100 miles round-trip. It noted that when she travelled to see her physician only once a year, it paid for travel reimbursement, but as the frequency of her visits increased, it reexamined her case and determined that her appointment with Dr. Sheehan was not reasonable travel. If appellant refused to change physicians, OWCP will reimburse appellant for up to 100 miles per round-trip, but would no longer reimburse her for 200 miles round-trip.

## **LEGAL PRECEDENT**

Section 8103 of FECA<sup>2</sup> 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 OWCP considers likely to cure, give relief, reduce the degree of the period of disability or aid in lessening the amount of monthly compensation.

---

<sup>2</sup> *Id.* at § 8103; *see Thomas W. Stevens*, 50 ECAB 288 (1999).

Section 10.315 of Title 20 of the Code of Federal Regulations provides, in relevant part:

“The employee is entitled to reimbursement of reasonable and necessary expenses, including transportation needed to obtain authorized medical services, appliances or supplies. To determine what is a reasonable distance to travel, [OWCP] will consider the availability of services, the employee’s condition and the means of transportation. Generally, 25 miles from the place of injury, the worksite or the employee’s home, is considered a reasonable distance to travel. The standard form designated for [f]ederal employees to claim travel expenses should be used to seek reimbursement under this section.”<sup>3</sup>

As the only limitation on OWCP’s 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 deductions from known facts.<sup>4</sup> The Board has long held that OWCP has broad discretion in approving services provided under FECA.<sup>5</sup>

### ANALYSIS

OWCP accepted appellant’s claim for low back strain, compression fracture, osteoporosis lumbar spine, degenerative joint disease and depression. Appellant began treatment with Dr. Sheehan in 1991 and has continued to be treated by him since that time. Dr. Sheehan’s office is located in Laurel, Maryland, where appellant used to reside. Appellant moved to Ocean Pines, Maryland on September 30, 2001, but continued to see Dr. Sheehan in Laurel, Maryland. The record reflects that she sees Dr. Sheehan approximately four times a year and that she travels over 200 miles round-trip to see him.

The Board notes that appellant is entitled to reimbursement for reasonable and necessary travel expenses as provided under 20 C.F.R. § 10.315. The regulations provide, however, that a reasonable distance to travel is generally 25 miles from the place of injury, the worksite or the employee’s home. In determining what constitutes a reasonable travel distance, OWCP must consider the availability of medical services in appellant’s area, her condition and the means of transportation.<sup>6</sup> It found that she did not reasonably need to continue to seek medical treatment in Laurel, Maryland, as this was well beyond a 25-mile radius of her home in Ocean Pines, Maryland. The record does not establish that appellant was unable to obtain competent and appropriate medical care within her commuting area of Ocean Pines or Salisbury, Maryland.

OWCP has broad discretion in considering whether to reimburse or authorize travel expenses.<sup>7</sup> As the only limitation on its authority is reasonableness, abuse of discretion is

---

<sup>3</sup> 20 C.F.R. § 10.315.

<sup>4</sup> See *William B. Webb*, 56 ECAB 156 (2004); *Lecil E. Stevens*, 49 ECAB 673 (1998).

<sup>5</sup> See *Wanda L. Campbell*, 44 ECAB 633 (1993).

<sup>6</sup> *W.M.*, 59 ECAB 132 (2007).

<sup>7</sup> *M.O.*, Docket No. 13-1822 (issued November 26, 2013).

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>8</sup> OWCP advised appellant that, if she sought continued medical care from Dr. Sheehan, it would limit her travel reimbursement to 100 miles round-trip. The Board finds that the expenses she incurred for travel between her new home in Ocean Pines, Maryland and Dr. Sheehan's office in Laurel, Maryland must be considered personal to her. OWCP's denial of appellant's request for reimbursement for over 100 miles of travel expenses was reasonable.

Appellant contended on appeal that she lived in a rural area and that the nearest large town, Salisbury, Maryland has a limited choice of doctors that could serve her need. She argued that fewer doctors were accepting federal workers' compensation claims. Finally, appellant noted that she had been treated by Dr. Sheehan for many years and had developed a deep trust and confidence in him. The Board notes that OWCP did not preclude her continuing care by Dr. Sheehan but noted that her reimbursable travel would be limited to 100 miles round-trip.<sup>9</sup>

Appellant may submit additional evidence, together with a written request for reconsideration, to OWCP within one year of the Board's merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.606 and 10.607.

### **CONCLUSION**

The Board finds that OWCP did not abuse its discretion in denying appellant's request for reimbursement of a portion of her travel expenses to see her physician.

---

<sup>8</sup> See *William B. Webb*, *supra* note 4.

<sup>9</sup> See *J.J.*, Docket No. 10-1908 (issued June 16, 2011) (the Board found that appellant's contention that he did not feel comfortable with physicians near his home as they were not familiar with his case and would not accept workers' compensation cases was not sufficient to show traveling to another physician was reasonable and necessary); *W.J.*, Docket No. 10-1944 (issued June 1, 2011) (the Board found that appellant's travel between his new home in Macon, Georgia and his physician's office in Fort Myers, Florida must be considered personal to appellant and that OWCP's denial of his request for reimbursement was reasonable).

**ORDER**

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated September 25, 2013 is affirmed.

Issued: August 4, 2014  
Washington, DC

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

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

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