

_____)	
K.K., Appellant)	
)	
and)	Docket No. 25-0371
)	Issued: April 8, 2025
DEPARTMENT OF HOMELAND SECURITY,)	
TRANSPORTATION SECURITY)	
ADMINISTRATION, Coppell, TX, Employer)	
_____)	

Case Submitted on the Record

Before:
ALEC J. KOROMILAS, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

On February 18, 2025 filed a timely appeal from October 31 and December 2, 2024 and February 3, 2025 merit decisions of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act¹ (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.²

The issues are: (1) whether OWCP abused its discretion in denying appellant's requests for reimbursement of travel expenses for the periods November 6 through 10, 2023 and

² The Board notes that, following the February 3, 2025 decision, OWCP received additional evidence. The Board's *Rules of Procedure* provides: "The Board's review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal." 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this additional evidence for the first time on appeal. *Id.*

September 27 through November 19, 2024; and (2) whether OWCP abused its discretion by denying appellant's request for authorization for physical therapy.

FACTUAL HISTORY

On July 13, 2014, appellant, then a 32-year-old transportation security officer, filed a traumatic injury claim (Form CA-1) alleging that on that date he injured his right knee when he pulled a heavy bag from an alarm belt that struck his knee, while in the performance of duty. OWCP accepted the claim for contusion of right knee and thereafter expanded its acceptance of the claim to include right knee osteoarthritis, sprain, medial meniscus tear, lateral collateral ligament disruption, anterior cruciate ligament (ACL) sprain, and loose body.

Appellant underwent two OWCP-authorized right knee arthroscopic surgeries on March 24, 2015 and June 25, 2016 in Dallas, Texas. He received postoperative treatment by various providers at Wol-Med Injury Experts in Dallas, Texas (Wol-Med).

On September 28, 2016, appellant advised OWCP that he had moved to Montgomery, Alabama.

By letter dated December 21, 2016, OWCP notified appellant that it had authorized American Family Care (AFC) of Prattville, Alabama to provide him medical care in his vicinity to treat his July 13, 2014 employment injury.

Appellant was evaluated by two providers at AFC and underwent physical therapy in Prattville, Alabama from December 22, 2016 through March 2, 2017.

In a letter dated March 22, 2017, appellant requested authorization to transfer his care back to Wol-Med.

By letter dated March 23, 2017, OWCP advised appellant that he was authorized to see a specialist in the fields of orthopedics, physiatry, or occupational medicine at Wol-Med to provide medical care for his accepted July 13, 2014 employment injury. It also advised him that mileage reimbursement for travel to and from a medical appointment was limited to 50 miles each way or 100 miles round trip. OWCP noted that appellant had selected a physician/medical group outside of those travel limits and notified him that it would not authorize travel reimbursement beyond 100 miles round trip, regardless of where he sought medical treatment.

On June 19, 2017, OWCP reiterated that travel beyond 100 miles round trip would not be authorized for reimbursement and advised appellant that there were hundreds of providers in Alabama that he could choose from.

Appellant continued to receive medical care at Wol-Med in Texas.

In a November 28, 2022 letter of medical necessity, Dr. Gregg Podleski, a Board-certified orthopedic surgeon in Mesquite, Texas, noted appellant's complaints and physical examination findings. He recommended total right knee arthroplasty.

On April 4, 2023, appellant underwent OWCP-authorized right total knee arthroplasty by Dr. Podleski.

OWCP authorized postoperative physical therapy from April 18, 2023 through February 2, 2024. It also periodically approved travel reimbursement.

On October 25, 2023, Dr. Podleski discharged appellant from his care.

In a November 6, 2023 letter, OWCP noted that appellant had requested authorization for a “nonemergency transport bus” to medical appointments on November 6, 8, and 10, 2023.³ It requested that he submit evidence and/or an explanation to support the circumstances and necessity for the transportation expenses.

OWCP thereafter received reports dated November 6 through 8, 2023 by Conan Brooks, a physical therapist in Montgomery, Alabama. The November 6, 2023 report noted treatment to the right knee, and the November 8, 2023 report noted treatment to the right knee and left shoulder.⁴

On October 1, 2024, appellant requested mileage reimbursement for a medical appointment on September 27, 2024. In support thereof, he submitted a September 27, 2024 work note, bearing an illegible signature, from the office of Dr. Richard Buch, a Board-certified orthopedic surgeon located in New Carrollton, Texas, which indicated that appellant was unable to work for two to three months.

In letters dated October 3 and 7, 2024, OWCP advised appellant that the evidence submitted was insufficient to authorize reimbursement for travel over 100 miles on September 27, 2024. It advised him of OWCP’s regulations regarding travel reimbursement, including that in order for reimbursement of travel expenses over 100 miles round trip to be authorized, he must submit evidence to establish that there were no physicians located within 50 miles of his residence who could provide adequate medical treatment for his accepted conditions or other evidence or explanation supporting the need to travel more than 100 miles roundtrip to receive medical treatment for his work-related conditions. OWCP requested that appellant complete the appropriate travel reimbursement form and afforded him 30 days to submit the necessary evidence.

By decision dated October 31, 2024, OWCP denied appellant’s request for reimbursement of travel expenses for the period November 6 through 10, 2023.

On November 17, 2024 OWCP received a corrected Travel Reimbursement (Form OWCP 957) dated November 16, 2024 in which appellant indicated that on September 27, 2024 he traveled 672 miles each way to undergo medical treatment with Dr. Buch for the July 13, 2014 employment injury. Appellant also noted that he incurred \$104.60 in expenses for meals during his travel. He submitted receipts for food items purchased on September 26 and 27, 2024 totaling \$92.66, and an internet navigation summary which indicated a distance of 672 miles between Montgomery, Alabama and New Carrollton, Texas.

³ The case record reflects that the cost for the nonemergency transportation was \$250.00 per trip.

⁴ On October 19, 2023, appellant requested expansion of the acceptance of his claim to include a left shoulder condition. By decision dated February 22, 2024, OWCP denied expansion of the acceptance of the claim to include a left shoulder condition.

OWCP also received a September 27, 2024 medical report by Dr. Buch, who indicated that appellant related complaints of pain in the right knee due to his July 13, 2014 employment injury. Dr. Buch noted that appellant underwent a bone scan on July 18, 2024, which revealed increased swelling and changes in the right knee on all three phases. He opined that the bone scan was consistent with a loosening of hardware *versus* an infection. Dr. Buch recommended an injection and noted the likelihood that appellant would need to undergo a revision total arthroplasty with a nonallergenic implant.

On November 20, 2024, appellant requested mileage reimbursement for a medical appointment on November 19, 2024.⁵ In support of the request, he submitted a November 19, 2024 work status note by a Kayleigh Elizabeth Downing in Gardendale, Alabama.⁶

By decision dated December 2, 2024, OWCP denied appellant's request for reimbursement of travel expenses from September 27 through November 19, 2024, finding that he failed to submit evidence to support that he was unable to obtain adequate medical treatment for his work-related injury from a qualified physician in his commuting area and that he failed to submit documentation to indicate that he received treatment for his July 13, 2014 employment injury on the dates claimed.

In a medical report dated December 11, 2024, Dr. Brian Rogers, a primary care physician in Dallas, Texas, evaluated appellant for complaints of right knee pain. He noted that appellant asked to be referred to physical therapy.

In a January 2, 2025 development letter, OWCP informed appellant of the deficiencies of his request for authorization of physical therapy. It advised him of the type of medical evidence necessary and afforded him 30 days to submit the necessary evidence.

OWCP thereafter received a referral by Dr. Rogers dated December 12, 2024 for appellant to undergo an impairment rating evaluation and a December 23, 2024 medical report by Dr. William P. Ware, III, a Board-certified anesthesiologist, who prescribed pain medication.

By decision dated February 3, 2025, OWCP denied authorization for physical therapy. It explained that the evidence did not support that the requested treatment was medically necessary to address the effects of appellant's work-related conditions under FECA.

LEGAL PRECEDENT -- ISSUE 1

OWCP regulations provide that the employee is entitled to reimbursement for reasonable and necessary expenses, including transportation needed to obtain authorized medical services, appliances, or supplies.⁷ To determine a reasonable travel distance, it will consider the availability of services, the employee's condition, and the means of transportation. Effective August 29, 2011, the most recent regulations provide that a round-trip distance of up to 100 miles is considered a reasonable distance to travel.⁸ If round-trip travel of more than 100 miles is contemplated, or air

⁵ The case record reflects that appellant claimed reimbursement for 221 miles of travel and \$442.97.

⁶ The Board is unable to identify Ms. Downing's credentials.

⁷ 20 C.F.R. § 10.315(a).

⁸ *Id.*

transportation or overnight accommodations will be needed, the employee must submit a written request to OWCP for prior authorization with information describing the circumstances and necessity for such travel expenses. OWCP will approve the request if it determines that the travel expenses are reasonable and necessary, and are related to obtaining authorized medical services, appliances, or supplies.⁹

Pursuant to FECA Bulletin No. 14-02, when a claimant submits a travel reimbursement in excess of 100 miles for a single date of service, the bill will automatically be suspended, and the Central Bill Processing provider will send notification to OWCP's claims examiner.¹⁰ FECA Bulletin No. 14-02 notes that, in some limited circumstances, it may be necessary for a claimant to travel more than 100 miles on a regular basis, such as when the claimant lives in a remote area.¹¹

In interpreting this section, the Board has recognized that OWCP has broad discretion in approving services provided under FECA.¹² The only limitation on OWCP's authority is that of reasonableness. OWCP may authorize medical treatment but determine that the travel expense incurred for such authorized treatment was unreasonable or unnecessary.¹³

ANALYSIS -- ISSUE 1

The Board finds that OWCP properly denied appellant's requests for reimbursement of travel expenses for the periods November 6 through 10, 2023 and September 27 through November 19, 2024.

Appellant submitted documentation that he attended physical therapy in Montgomery, Alabama, where he resides, on November 6 and 8, 2023. However, he has not submitted evidence to establish why it was medically necessary for him to have transportation to those appointments.¹⁴ In addition, the evidence of record does not establish that appellant received any medical treatment for his July 13, 2014 employment injury on November 10, 2023. The note by Ms. Downing dated November 19, 2024 also does not indicate whether he was seen for the accepted July 13, 2024 right knee conditions on that date. As noted above, the Board has recognized that OWCP has broad discretion in approving services provided under FECA.¹⁵ The only limitation on OWCP's authority is that of reasonableness. The evidence of record does not establish that it was medically necessary for appellant to have transportation to his physical therapy appointments on November 6 and 8, 2023 or that appellant received medical treatment for the July 13, 2014 employment injury

⁹ *Id.* at 10.315.(b).

¹⁰ FECA Bulletin No. 14-02 (issued January 29, 2014).

¹¹ *Id.*

¹² *V.L.*, Docket No. 23-0061 (issued August 22, 2023); *S.M.*, Docket No. 19-0989 (issued May 12, 2020); *G.C.*, Docket No. 19-0298 (issued June 24, 2019).

¹³ *Id.*

¹⁴ *Supra* note 7.

¹⁵ *Supra* note 12.

on November 10, 2023 or November 19, 2024. Therefore, the Board finds that OWCP did not abuse its discretion by denying his request for travel reimbursement on those dates.¹⁶

Appellant also submitted a request for travel reimbursement for 1,344 miles round trip, 672 miles each way, for medical treatment on September 27, 2024 plus reimbursement for meals totaling \$106.44. As noted above, OWCP's regulations provide that, generally, a round trip of up to 100 miles is a reasonable distance to travel.¹⁷ There may be circumstances where reimbursement for travel of more than 100 miles is appropriate. An example of those circumstances might be an appellant who lives in a remote area with limited medical services and physicians of an appropriate specialty.¹⁸ To establish that a travel reimbursement of more than 100 miles is warranted, OWCP's regulations provide that the claimant must submit information describing the circumstances and necessity for such travel expenses.

Appellant has not sufficiently explained the necessity of traveling 672 miles each way to New Carrollton, Texas to seek care on September 27, 2024, or why such travel was reasonable.¹⁹ The evidence reflects that he does not live in a remote area. While appellant maintained that no care was available locally, he provided no evidence to establish a lack of available services closer to his home or a specific need for the distances for which he was requesting authorization for reimbursement.²⁰ Although OWCP had authorized some travel expenses for appellant to undergo medical care in Texas following his relocation to Alabama in the past, this past practice does not establish a right to continuing authorization.²¹ As indicated in FECA Bulletin No. 14-02, any travel reimbursement request of more than 100 miles was to be reviewed by an OWCP claims examiner.²² As no probative evidence was presented with respect to the necessity of travel over the 100-mile round-trip standard set forth in OWCP regulations, the Board finds that OWCP did not abuse its discretion by denying appellant's travel reimbursement request for over 100 miles roundtrip on September 27, 2024.²³

LEGAL PRECEDENT -- ISSUE 2

Section 8103(a) of FECA²⁴ 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 by or recommended by a qualified physician, which OWCP considers likely to cure, give relief,

¹⁶ See *L.K.*, Docket No. 20-0443 (issued August 8, 2023); *W.H.*, Docket No. 14-1662 (issued February 3, 2015).

¹⁷ *Supra* note 8.

¹⁸ *Supra* note 10.

¹⁹ *K.H.*, Docket No. 20-1134 (issued August 8, 2020); *D.C.*, Docket No. 18-0080 (issued May 22, 2018); *M.B.*, Docket No. 17-1072 (issued August 16, 2017); *M.M.*, Docket No. 15-1724 (issued February 16, 2016).

²⁰ See *D.C.*, *id.*; *M.M.*, *id.*

²¹ *D.C.*, *id.*; see also *W.H.*, Docket No. 14-1662 (issued February 3, 2015).

²² *Supra* note 10.

²³ *D.C.*, *supra* note 19; *K.H.*, *supra* note 19; *J.J.*, Docket No. 10-1908 (issued June 16, 2011).

²⁴ 5 U.S.C. § 8103(a).

reduce the degree or the period of disability, or aid in lessening the amount of the monthly compensation.²⁵

In interpreting this section of FECA, the Board has recognized that OWCP has broad discretion in determining whether a particular type of treatment is likely to cure or give relief.²⁶ The only limitation on OWCP's authority is that of reasonableness.²⁷

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 established facts. It is not enough to merely show that the evidence could be construed to produce a contrary factual conclusion.²⁸

While OWCP is obligated to pay for treatment of employment-related conditions, appellant has the burden of proof to establish that the expenditures were incurred for treatment of the effects of an employment-related injury or condition.²⁹ Proof of causal relationship in a case such as this must include supporting rationalized medical evidence.³⁰ In order for a procedure to be authorized, appellant must establish that the procedure was for a condition causally related to the employment injury and that the procedure was medically warranted.³¹ Both of these criteria must be met in order for OWCP to authorize payment.³²

ANALYSIS -- ISSUE 2

The Board finds that OWCP properly denied appellant's request for authorization of physical therapy.

On April 4, 2023, appellant underwent OWCP-authorized right total knee arthroplasty by Dr. Podleski. OWCP thereafter authorized postoperative physical therapy from April 18, 2023 through February 2, 2024. In the interim, on October 25, 2023, Dr. Podleski discharged appellant from his care. Over one year later, on December 11, 2024, Dr. Rogers noted that appellant asked to be referred to physical therapy. In a January 2, 2025 development letter, OWCP informed

²⁵ *Id.*; see *J.K.*, Docket No. 20-1313 (issued May 17, 2021); *Thomas W. Stevens*, 50 ECAB 288 (1999).

²⁶ *R.C.*, Docket No. 18-0612 (issued October 19, 2018); *W.T.*, Docket No. 08-812 (issued April 3, 2009).

²⁷ See *S.Y.*, Docket No. 24-0443 (issued May 28, 2024); see *D.C.*, Docket No. 20-0854 (issued July 19, 2021); *C.L.*, Docket No. 17-0230 (issued April 24, 2018); *D.K.*, 59 ECAB 141 (2007).

²⁸ See *E.F.*, Docket No. 20-1680 (issued November 10, 2021); *J.L.*, Docket No. 18-0503 (issued October 16, 2018); *Daniel J. Perea*, 42 ECAB 214, 221 (1990).

²⁹ *R.M.*, Docket No. 19-1319 (issued December 10, 2019); *J.T.*, Docket No. 18-0503 (issued October 16, 2018); *Debra S. King*, 44 ECAB 203, 209 (1992); *Zane H. Cassell*, 32 ECAB 1537, 1540-41 (1981).

³⁰ *K.W.*, Docket No. 18-1523 (issued May 22, 2019); *C.L.*, Docket No. 17-0230 (issued April 24, 2018); *M.B.*, 58 ECAB 588 (2007); *Bertha L. Arnold*, 38 ECAB 282 (1986).

³¹ *T.A.*, Docket No. 19-1030 (issued November 22, 2019); *Zane H. Cassell*, *supra* note 29; *John E. Benton*, 15 ECAB 48, 49 (1963).

³² *J.L.*, Docket No. 18-0990 (issued March 5, 2019); *R.C.*, 58 ECAB 238 (2006); *Cathy B. Millin*, 51 ECAB 331, 333 (2000).

appellant of the deficiencies of his request for authorization of physical therapy. It advised him of the type of medical evidence necessary and afforded him 30 days to submit the necessary evidence. No further evidence regarding appellant's request for physical therapy was received.

As there is no medical evidence of record supporting that appellant's requested physical therapy was medically necessary or causally related to the accepted employment injury, the Board finds that OWCP did not abuse its discretion in denying appellant's request to authorize physical therapy.³³

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605 through 10.607.

CONCLUSION

The Board finds that OWCP properly denied appellant's requests for travel reimbursement for the periods November 6 through 10, 2023 and September 27 through November 19, 2024. The Board further finds that OWCP properly denied appellant's request for authorization for physical therapy.

ORDER

IT IS HEREBY ORDERED THAT the October 31 and December 2, 2024, and February 3, 2025 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: April 8, 2025
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board

³³ *Id.*; *B.J.*, Docket No. 17-1825 (issued February 23, 2018).