

**United States Department of Labor
Employees' Compensation Appeals Board**

D.R., Appellant)
and) Docket No. 25-0560
DEPARTMENT OF HOMELAND SECURITY,)
U.S. CUSTOMS AND BORDER PROTECTION,)
U.S. BORDER PATROL, Tecate, CA, Employer)
Issued: August 18, 2025

Appearances:

Alan J. Shapiro, Esq., for the appellant¹
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On May 19, 2025, appellant, through counsel, filed a timely appeal from a May 8, 2025² merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the

¹ In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on an appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

² Counsel did not request review of the February 24 and April 9, and 22, 2025 decisions. Thus, those decisions are not currently before the Board on this appeal. *See* 20 C.F.R. § 501.3.

Federal Employees' Compensation Act³ (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.⁴

ISSUE

The issue is whether appellant has met her burden of proof to establish entitlement to compensation for time lost from work to attend medical appointments on February 28 and March 7, 2025, causally related to the accepted employment injury.

FACTUAL HISTORY

This case has previously been before the Board on a different issue.⁵ The facts and circumstances as set forth in the Board's prior decision are incorporated herein by reference. The relevant facts are as follows.

On August 14, 2020 appellant, then a 38-year-old customs and border protection officer, filed an occupational disease claim (Form CA-2) alleging that she developed pain in her fingers, and right wrist, forearm, elbow, upper arm, shoulder, neck and upper back due to factors of her federal employment.⁶ She did not stop work. OWCP accepted the claim for right carpal tunnel syndrome, sprain of the metacarpophalangeal joint of the right index finger, right wrist strain, right lateral epicondylitis, neck strain, and right shoulder girdle sprain. It paid appellant wage-loss compensation on the supplemental rolls. On July 15, 2024 OWCP expanded the acceptance of her conditions to include temporary aggravation of major depressive disorder.

On March 12, 2025 appellant filed a claim for compensation (Form CA-7) requesting wage-loss compensation on February 28, 2025. The accompanying time analysis form (Form CA-7a) indicated that she was requesting compensation for four hours on February 28, 2025 to attend a medical appointment. Appellant filed a second Form CA-7 and Form CA-7a of even date requesting wage-loss compensation on March 7, 2025 to attend a medical appointment.

In a March 12, 2025 development letter, OWCP noted it had received appellant's Form CA-7 claim for compensation for time lost from work to attend a medical appointment on February 28, 2025. It informed her that the evidence of record was insufficient to establish her

³ 5 U.S.C. § 8101 *et seq.*

⁴ The Board notes that, following the May 8, 2025 decision, OWCP received additional evidence. However, 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.*

⁵ Docket No. 24-0427 (issued May 30, 2024).

⁶ OWCP assigned the present claim OWCP File No. xxxxxxx812. Appellant subsequently filed a traumatic injury claim (Form CA-1) alleging that on February 25, 2021 she developed pain, numbness, and tingling in the left hand and wrist while typing, using a computer mouse, and inspecting baggage. OWCP accepted that claim for left carpal tunnel syndrome and assigned OWCP File No. xxxxxxx901. On December 15, 2023 it administratively combined OWCP File Nos. xxxxxxx901 and xxxxxxx812, with the latter designated as the master file.

claim for four hours of wage-loss compensation. OWCP advised appellant of the type of medical evidence needed to establish her claim and afforded her 30 days to submit the necessary evidence. In a separate development letter of even date, it addressed her Form CA-7 requesting wage-loss compensation for time lost from work to attend a medical appointment on March 7, 2025. OWCP informed appellant that the evidence of record was insufficient to establish her claim for four hours of wage-loss compensation. It advised her of the type of medical evidence needed to establish her claim and afforded her 30 days to submit the necessary evidence.

OWCP subsequently received treatment notes from Dr. Bernardo Ng, a Board-certified psychiatrist and Medical Director of Sun Valley Behavioral Medical Center, dated February 18, 20 and March 18, 2025, in which he diagnosed severe depression, provided work restrictions, and indicated that appellant would receive treatment on Friday mornings for seven weeks.

OWCP also received a note from Sun Valley Behavioral Medical Center dated February 28, 2025 indicating that appellant had an appointment on that date. The signature is illegible. In a separate note dated March 7, 2025, Sun Valley Behavioral Medical Center indicated she had an appointment on that date. The signature is illegible.

By decision dated April 15, 2025, OWCP denied appellant's claim for compensation finding that the medical evidence of record was insufficient to establish entitlement to compensation for time lost from work to attend a medical appointment on February 28, 2025 causally related to her accepted employment injury. By separate decision of even date, it found that the medical evidence of record was insufficient to establish entitlement to compensation for time lost from work to attend a medical appointment on March 12, 2025 causally related to her accepted employment injury.

On April 18, 2025 appellant requested reconsideration of the April 15, 2025 decisions and submitted additional evidence, including an April 16, 2025 note from Dr. Ng indicating that she had received treatment for major depressive disorder on February 28 and March 7, 2025, among other dates.

By decision dated May 8, 2025, OWCP denied modification. It found that Dr. Ng's April 16, 2025 report did not provide the necessary specificity to establish that she received treatment for her accepted condition of temporary aggravation of major depressive disorder on February 28 and March 7, 2025.

LEGAL PRECEDENT

Section 8103 of FECA provides for medical expenses, along with transportation and other expenses incidental to securing medical care, for injuries.⁷ A claimant is entitled to compensation for any time missed from work due to medical examination or treatment for an employment-related

⁷ 5 U.S.C. § 8103(a).

condition.⁸ However, OWCP's obligation to pay for expenses incidental to obtaining medical care, such as loss of wages, extends only to expenses incurred for treatment of the effects of any employment-related condition.⁹ Appellant has the burden of proof, which includes the necessity to submit supporting rationalized medical evidence.¹⁰ The evidence should establish that a claimant attended an examination or treatment for the accepted work injury on the dates claimed in order for compensation to be payable.¹¹ For a routine medical appointment, a maximum of four hours of compensation may be allowed.¹² However, longer periods of time may be allowed when required by the nature of the medical procedure and/or the need to travel a substantial distance to obtain the medical care. The claims for wage loss should be considered on a case-by-case basis.¹³

ANALYSIS

The Board finds that appellant has met her burden of proof to establish entitlement to compensation for time lost from work to attend medical appointments on February 28 and March 7, 2025, causally related to the accepted employment injury.

The record establishes that on February 28 and March 7, 2025 appellant received medical treatment at Dr. Ng's office for major depressive disorder, a condition accepted by OWCP as causally related to the accepted factors of appellant's federal employment. The note included the treatment dates of February 28 and March 7, 2025. As noted above, OWCP's procedures provide that wages lost for compensable medical examinations or treatment may be reimbursed for a routine medical appointment and up to four hours of compensation may be allowed.¹⁴ Accordingly, the Board finds that appellant is entitled to up to four hours of compensation for attending medical appointments on those dates, causally related to her accepted employment injury.¹⁵

As the evidence of record is sufficient to establish entitlement to compensation for time lost from work to attend medical appointments on February 28 and March 7, 2025, causally related to the accepted employment injury, the Board finds that appellant has met her burden of proof.

⁸ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Wages Lost for Medical Examination or Treatment*, Chapter 2.901.19 (February 2013); *see T.S.*, Docket No. 24-0909 (issued November 25, 2024); *S.M.*, Docket No. 17-1557 (issued September 4, 2018).

⁹ *H.S.*, Docket No. 23-0557 (issued October 5, 2023); *Zane H. Cassell*, 32 ECAB 1537, 1540-41 (1981).

¹⁰ *Id.*; *see also S.M.*, *supra* note 8.

¹¹ *Supra* note 8 at Chapter 2.901.19a(3).

¹² *J.B.*, Docket No. 22-1301 (issued March 26, 2024); *A.F.*, Docket No. 20-0522 (issued November 4, 2020).

¹³ *Supra* note 8 at Chapter 2.901.19c.

¹⁴ *Supra* notes 8 and 12; *see also M.A.*, Docket No. 22-0328 (issued May 2, 2025); *E.P.*, Docket No. 20-0026 (issued August 21, 2020).

¹⁵ *Id.*

On remand, OWCP shall authorize wage-loss compensation consistent with this decision of the Board.

CONCLUSION

The Board finds that appellant has met her burden of proof to establish entitlement to compensation for time lost from work to attend medical appointments on February 28 and March 7, 2025, causally related to her accepted employment injury.

ORDER

IT IS HEREBY ORDERED THAT the May 8, 2025 decision of the Office of Workers' Compensation Programs is reversed and the case is remanded for payment of wage-loss compensation consistent with this decision of the Board.

Issued: August 18, 2025
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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