

_____)	
A.N., Appellant)	
)	
and)	Docket No. 24-0824
)	Issued: February 21, 2025
TENNESSEE VALLEY AUTHORITY,)	
DIVISION OF NUCLEAR POWER,)	
Decatur, AL, Employer)	
_____)	

Case Submitted on the Record

Before:
PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

² The Board notes that, following the March 19, 2024 decision, appellant submitted additional evidence to OWCP. 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.*

ISSUE

The issue is whether OWCP has abused its discretion by denying appellant's request for reimbursement of travel expenses on January 11, 2024.

FACTUAL HISTORY

On April 10, 2015, appellant, then a 33-year-old technician, filed a traumatic injury claim (Form CA-1) alleging that on April 8, 2015 she injured her back when lifting a trash bag and tools while in the performance of duty. She did not immediately stop work. OWCP, on August 12, 2016, accepted the claim for intervertebral disc disorders with radiculopathy, lumbar region.

On January 11, 2024, Dr. Melvin Law, a Board-certified orthopedic surgeon, prepared a medical status form, indicating that appellant was treated on that date at a medical clinic located in Nashville, Tennessee.

In a letter dated February 14, 2024, OWCP advised appellant that it was unable to authorize her request for travel reimbursement because she had not provided verification that she obtained medical treatment for intervertebral disc disorders with radiculopathy, lumbar region and lumbar sprain. It also informed her that generally a roundtrip distance of 100 miles was considered a reasonable distance to travel. OWCP further noted that, if a roundtrip of more than 100 miles was contemplated, an employee must submit a written request describing the circumstances and necessity for travel expenses such as air transportation or overnight accommodations. It advised appellant to submit the necessary documentation within 30 days.

On March 4, 2024, OWCP expanded the acceptance of appellant's claim to include sprain of the back, lumbar region.

On March 18, 2024, appellant filed a claim for travel reimbursement (Form OWCP-957) for mileage traveled on January 11, 2024.³ She reported the estimated total mileage was 294 miles. Appellant provided a map of Tennessee, which noted that the mileage from her residence to Dr. Law's office was 147 miles, one way. She noted on the map that construction caused major delays in her trip.

By decision dated March 19, 2024, OWCP denied appellant's claim for travel reimbursement for mileage traveled on January 11, 2014. It found that the evidence of record was insufficient to support that the requested expenses were reasonable and necessary.

³ On August 8, 2024, appellant appealed her claim to the Board. In an order dated October 7, 2024, the Board ordered OWCP to complete the record within 30 days. The Board noted that the record did not contain any claims for travel reimbursement covering travel on January 11, 2024. The order afforded OWCP 30 days to produce the complete case record or show reason why it could not comply. *Order to Complete the Record Within 30 Days*, Docket No. 24-0824 (issued October 7, 2024). On October 31, 2024, it completed the case record and submitted the travel reimbursement documents.

LEGAL PRECEDENT

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.⁴ 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.⁵ If roundtrip travel of more than 100 miles is contemplated, or air 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.⁶

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.⁷ 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.⁸

In interpreting this section, the Board has recognized that OWCP has broad discretion in approving services provided under FECA.⁹ 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.¹⁰

ANALYSIS

The Board finds that OWCP has not abused its discretion by denying appellant's request for reimbursement of travel expenses on January 11, 2024.

Appellant submitted a request for travel reimbursement for mileage traveled for medical treatment on January 11, 2024; 147 miles one way or 294 miles round trip.

⁴ 20 C.F.R. § 10.315(a).

⁵ *Id.*

⁶ *Id.* at 10.315(b).

⁷ FECA Bulletin No. 14-02 (issued January 29, 2014).

⁸ *Id.*

⁹ *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).

¹⁰ *Id.*

OWCP's regulations provide that, generally, a round trip of up to 100 miles is a reasonable distance to travel.¹¹ 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.¹² 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 147 miles each way to Nashville, Tennessee to seek care, or why such travel was reasonable.¹³ Appellant has provided no evidence to establish a lack of available services closer to her home for treatment of intervertebral disc disorders with radiculopathy, lumbar region and lumbar sprain, or a specific need for the distances for which she was requesting authorization for reimbursement.¹⁴ Additionally, the evidence of record is insufficient to establish that treatment with Dr. Law was medically necessary.¹⁵ 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.¹⁶

OWCP has broad discretion in considering whether to reimburse or authorize travel expenses.¹⁷ As the only limitation on its 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 deduction from known facts.¹⁸ The Board thus finds that OWCP has not abused its discretion by denying appellant's travel reimbursement requests over 100 miles roundtrip.¹⁹

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.

¹¹ 20 C.F.R. § 10.315(a).

¹² *Id.* at 10.315(b).

¹³ *K.H.*, Docket No. 20-1134 (issued August 8, 2020); *G.C.*, *supra* note 9; *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).

¹⁴ *Id.*

¹⁵ *T.J.*, Docket No. 24-0706 (issued September 6, 2024); *V.L.*, *supra* note 9; *S.M.*, *supra* note 9; *G.C.*, *supra* note 9.

¹⁶ *Supra* note 6.

¹⁷ *Id.*

¹⁸ *Id.*; *see also Daniel J. Perea*, 42 ECAB 214 (1990).

¹⁹ *K.H.*, *supra* note 13; *J.J.*, Docket No. 10-1908 (issued June 16, 2011).

CONCLUSION

The Board finds that OWCP has not abused its discretion by denying appellant's request for reimbursement of travel expenses on January 11, 2024.

ORDER

IT IS HEREBY ORDERED THAT the March 19, 2024 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: February 21, 2025
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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