

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

K.W., Appellant)	
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)	
and)	Docket No. 24-0049
)	Issued: July 24, 2025
U.S. POSTAL SERVICE, WEST AVENUE CARRIER ANNEX, Stamford, CT, Employer)	
)	
)	

Appearances:

Appellant, pro se

Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:

ALEC J. KOROMILAS, Chief Judge

PATRICIA H. FITZGERALD, Deputy Chief Judge

VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On October 23, 2023 appellant filed a timely appeal from an August 15, 2023 merit decision of the Office of Workers' Compensation Programs (OWCP).¹ Pursuant to the Federal Employees' Compensation Act (FECA)² and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.³

¹ By Order dated July 23, 2025, the Board granted the Director's petition for reconsideration of the Board's February 27, 2024 Order Remanding Case.

² 5 U.S.C. § 8101 *et seq.*

³ The Board notes that, following the August 15, 2023 decision, the Board and 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.*

ISSUE

The issue is whether appellant has met her burden of proof to establish entitlement to compensation for time lost from work to attend a medical appointment on July 12, 2023, causally related to her accepted July 24, 2019 employment injury.

FACTUAL HISTORY

This case has previously been before the Board on a different issue.⁴ 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 July 24, 2019 appellant, then a 56-year-old delivery clerk, filed a traumatic injury claim (Form CA-1) alleging that on that date she sustained an injury to her left shoulder when a coworker struck her with a postal container while in the performance of duty. She stopped work on that date. OWCP accepted the claim for aggravation of spinal stenosis of the cervical region, and aggravation of cervical disc degeneration. It subsequently expanded the acceptance of the claim to include incomplete lesion of the spinal cord at C4. OWCP paid appellant wage-loss compensation.

On May 16, 2022 appellant accepted a modified lead customer service clerk position working from "2:00 to 10:50" five days a week with restrictions. She subsequently accepted a modified lead customer service clerk position on August 18, 2022.

On July 13, 2023 appellant filed a claim for compensation (Form CA-7) requesting 2.67 hours of wage-loss compensation for disability from work on July 12, 2023 to undergo a magnetic resonance imaging (MRI) scan and a computed axial tomography (CAT) scan.

In a July 14, 2023 development letter, OWCP informed appellant of the deficiencies of her disability claim. It advised her of the type of medical evidence needed and afforded her 30 days to respond.

In a series of reports dated April 20 through July 28, 2023, Dr. Arianne J. Boylan, a neurosurgeon, reviewed appellant's history of injury and medical treatment. On July 28, 2023 she related that imaging results were not available for her review.

By decision dated August 15, 2023, 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 July 12, 2023, causally related to her accepted July 24, 2019 employment injury.

⁴ Docket No. 23-0558 (issued October 19, 2023).

LEGAL PRECEDENT

Section 8103 of FECA provides for medical expenses, along with transportation and other expenses incidental to securing medical care, for injuries.⁵ A claimant is entitled to compensation for any time missed from work due to medical examination or treatment for an employment-related condition.⁶ 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.⁷ Appellant has the burden of proof, which includes the necessity to submit supporting rationalized medical evidence.⁸ 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.⁹ For a routine medical appointment, a maximum of four hours of compensation may be allowed.¹⁰ 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.¹¹

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish entitlement to compensation for time lost from work to attend a medical appointment on July 12, 2023, causally related to her accepted July 24, 2019 employment injury.

Appellant submitted reports from Dr. Boylan dated April 20 through July 28, 2023; however, this medical evidence does not establish that she attended a medical appointment during this time frame for treatment causally related to her accepted July 24, 2019 employment injury. Therefore, these reports are of no probative value and are insufficient to establish her disability claim.¹²

⁵ 5 U.S.C. § 8103(a).

⁶ 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).

⁷ *H.S.*, Docket No. 23-0557 (issued October 5, 2023); *Zane H. Cassell*, 32 ECAB 1537, 1540-41 (1981).

⁸ *Id.*; *see also S.M.*, *supra* note 6.

⁹ *Supra* note 6 at Chapter 2.901.19a(3).

¹⁰ *J.B.*, Docket No. 22-1301 (issued March 26, 2024); *A.F.*, Docket No. 20-0522 (issued November 4, 2020).

¹¹ *Supra* note 6 at Chapter 2.901.19c.

¹² *See F.J.*, Docket No. 25-0094 (issued February 19, 2025); *A.D.*, Docket No. 24-0411 (issued June 20, 2024); *T.H.*, Docket No. 21-1429 (issued November 2, 2023); *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

As the medical evidence of record is insufficient to establish lost time from work to obtain medical treatment on July 12, 2023, causally related to her accepted July 24, 2019 employment injury, the Board finds that she has not met her burden of proof.

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 appellant has not met her burden of proof to establish entitlement to compensation for time lost from work to attend a medical appointment on July 12, 2023, causally related to her accepted July 24, 2019 employment injury.

ORDER

IT IS HEREBY ORDERED THAT the August 15, 2023 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: July 24, 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