

<sup>2</sup> The Board notes that, following the January 16, 2025 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.*

## **ISSUES**

The issues are: (1) whether OWCP abused its discretion by denying appellant's request for authorization of physical therapy; and (2) whether OWCP properly denied appellant's request for travel reimbursement for medical treatment from December 13 through 14, 2021.

## **FACTUAL HISTORY**

This case has previously been before the Board on a different issue.<sup>3</sup> 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 June 22, 2009, appellant, then a 53-year-old distribution clerk, filed a traumatic injury claim (Form CA-1) alleging that on June 2, 2009 she sustained injury due to falling to the floor while in the performance of duty. The record indicates that appellant stopped work in January 2010. By decision dated August 5, 2014, OWCP accepted that appellant sustained a closed fracture of a phalanx or phalanges of the right hand, and sprains of the right wrist and hand. It subsequently expanded the acceptance of her claim to include the additional conditions of traumatic arthropathy of the right wrist, unspecified fracture of the lower end of the right radius, other specified joint derangement of the right wrist, other specified joint disorders of right wrist, other articular cartilage disorders of the right wrist, and injury of other nerves at wrist and hand level of the right upper extremity.<sup>4</sup>

In a December 14, 2021 report, Dr. John W. Ellis, a Board-certified family medicine specialist, found a 24 percent permanent impairment of the right upper extremity utilizing the range of motion (ROM) method of the sixth edition of the American Medical Association, *Guides to the Evaluation of Permanent Impairment* (A.M.A., *Guides*).<sup>5</sup>

In a December 20, 2021 memorandum of telephone call (Form CA-110), OWCP indicated that appellant requested reimbursement for airplane travel and lodging to an out-of-state physician pursuant to a schedule award claim.

On January 24, 2022, appellant filed a claim for compensation (Form CA-7) for a schedule award.

In a development letter dated February 1, 2022, OWCP advised appellant that it was unable to authorize her request for travel reimbursement because she had not provided evidence that it

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<sup>3</sup> Docket No. 18-0741 (issued April 2, 2020).

<sup>4</sup> OWCP assigned the current claim OWCP File No. xxxxxx527. Previously, OWCP denied appellant's September 29, 2004 occupational disease claim (Form CA-2) for a Morton's neuroma under OWCP File No. xxxxxx490, and accepted a September 28, 1992 cervical strain under OWCP No. xxxxxx655. Additionally, under OWCP File No. xxxxxx691, OWCP denied appellant's June 1, 2021 occupational disease claim (Form CA-2) for neck and shoulder conditions. On April 4, 2022, OWCP administratively combined the claims, designating File No. xxxxxx691 as the master file.

<sup>5</sup> A.M.A., *Guides* (6<sup>th</sup> ed. 2009).

was medically necessary to treat the effects of her accepted employment injuries. It requested a reason why she did not seek medical treatment closer to her home. OWCP advised appellant to submit the necessary documentation within 30 days.

On July 2, 2024, OWCP received an undated referral form wherein Dr. Paul Elangwe, Board-certified in family medicine, prescribed eight weeks of physical therapy to address an unspecified diagnosis.

OWCP also received an April 18, 2024 report, wherein Dr. Daniel Beltran, a chiropractor, provided a history of the accepted employment injury. Dr. Beltran diagnosed traumatic arthropathy of the right wrist, other specified strain of the right wrist, unspecified fracture of the lower end of the right radius, other specific joint derangements of the right wrist, other specified joint disorders of the right wrist, and injury of other nerves at wrist and hand level of the right upper extremity. He prescribed physical therapy for the right upper extremity.

In a July 3, 2024 development letter, OWCP informed appellant of the deficiencies of the request for authorization of physical therapy. It advised her of the type of medical evidence needed and afforded her 30 days to submit the necessary evidence. No additional evidence was received.

By decision dated August 28, 2024, OWCP denied appellant's July 2, 2024 request for authorization of physical therapy, finding that the medical evidence of record was insufficient to establish that the requested therapy was necessary to treat an accepted work-related condition.

Thereafter, OWCP received reports dated December 10, 2023 through May 26, 2024 wherein Dr. Elangwe related a history of the accepted employment injury and treatment. On examination, Dr. Elangwe indicated a mildly reduced range of right shoulder range of motion. He noted that appellant would benefit from physical therapy as "previous session ha[d] helped."

OWCP also received reports dated October 16 through 30, 2024, wherein Dr. Helo Chen, an osteopath and family medicine specialist, related a history of the accepted employment injury and treatment. Dr. Chen requested authorization of physical therapy to address the right wrist and hand.

By decision dated October 31, 2024, OWCP denied appellant's claim for travel reimbursement for medical treatment from December 13 through 14, 2021, finding that she had not submitted a preauthorization for airfare or receipts documenting her lodging expenses. It further found that the medical evidence of record was insufficient to establish that she had received treatment for an accepted employment-related condition.

On November 4, 2024, appellant requested a review of the written record regarding OWCP's October 31, 2024 decision by a representative of OWCP's Branch of Hearings and Review.

In a November 13, 2024 duty status report (Form CA-17), Dr. Chen repeated prior diagnoses.<sup>6</sup>

On November 21, 2024, appellant requested reconsideration of OWCP's August 28, 2024 decision, which denied her request for authorization of physical therapy.

In support thereof, appellant submitted a December 20, 2021 claim for travel reimbursement (Form OWCP-957) indicating that on December 13 and 14, 2021 she traveled 466 miles each way to and from her home in San Antonio, Texas to a medical appointment with Dr. Ellis, whose practice was in Oklahoma City, Oklahoma, in association with her accepted employment injury. She also submitted receipts for flight, taxi, and lodging expenses.

OWCP also received a June 23, 2024 report wherein Dr. Elangwe opined that appellant would benefit from physical therapy as previous sessions had helped her right upper extremity conditions.

By decision dated January 6, 2025, OWCP's hearing representative affirmed the October 31, 2024 decision.

By decision issued January 16, 2025, OWCP denied modification of its August 28, 2024 decision.

### **LEGAL PRECEDENT -- ISSUE 1**

Section 8103(a) of FECA<sup>7</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 by or recommended by a qualified physician, which OWCP considers likely to cure, give relief, reduce the degree or the period of disability, or aid in lessening the amount of the monthly compensation.<sup>8</sup>

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.<sup>9</sup> The only limitation on OWCP's authority is that of reasonableness.<sup>10</sup>

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

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<sup>6</sup> Thereafter, OWCP received Form CA-17 reports by Dr. Chen dated December 17, 2024 and January 14, 2025.

<sup>7</sup> 5 U.S.C. § 8103(a).

<sup>8</sup> *Id.*; see *J.K.*, Docket No. 20-1313 (issued May 17, 2021); *Thomas W. Stevens*, 50 ECAB 288 (1999).

<sup>9</sup> *R.C.*, Docket No. 18-0612 (issued October 19, 2018); *W.T.*, Docket No. 08-812 (issued April 3, 2009).

<sup>10</sup> 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).

deductions from established facts. It is not enough to merely show that the evidence could be construed to produce a contrary factual conclusion.<sup>11</sup>

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.<sup>12</sup> Proof of causal relationship in a case such as this must include supporting rationalized medical evidence.<sup>13</sup> 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.<sup>14</sup> Both of these criteria must be met in order for OWCP to authorize payment.<sup>15</sup>

### **ANALYSIS -- ISSUE 1**

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

Appellant requested authorization for physical therapy as referred by Dr. Elangwe in an undated referral slip received by OWCP on July 2, 2024. However, he did not provide an opinion regarding the medical necessity of the requested physical therapy.

Dr. Elangwe, in reports dated December 10, 2023 through June 23, 2024, prescribed physical therapy as it had previously been helpful. However, Dr. Elangwe failed to provide a rationalized opinion to establish that the requested physical therapy was medically necessary to treat the accepted employment conditions.

OWCP also received an April 18, 2024 report wherein Dr. Beltran, a chiropractor, diagnosed right upper extremity conditions and prescribed physical therapy. A chiropractor is considered a physician as defined by section 8101(2) of FECA only if his or her services consist of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist.<sup>16</sup> As Dr. Beltran did not diagnose spinal subluxation based upon x-ray evidence, he is not considered

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<sup>11</sup> See *E.F.*, Docket No. 20-1680 (issued November 10, 2021); *J.L.*, Docket No. 18-0503 (issued October 16, 2018).

<sup>12</sup> *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).

<sup>13</sup> *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).

<sup>14</sup> *T.A.*, Docket No. 19-1030 (issued November 22, 2019); *Zane H. Cassell*, 32 ECAB 1537, 1540-41 (1981); *John E. Benton*, 15 ECAB 48, 49 (1963).

<sup>15</sup> *K.M.*, Docket No. 23-0446 (issued September 26, 2023); *J.L.*, Docket No. 18-0990 (issued March 5, 2019); *R.C.*, 58 ECAB 238 (2006); *Cathy B. Millin*, 51 ECAB 331, 333 (2000).

<sup>16</sup> 5 U.S.C. § 8101(2). See also *E.L.*, Docket No. 24-0924 (issued November 14, 2024); *S.L.*, Docket No. 21-0760 (issued January 6, 2022); *T.T.*, Docket No. 18-0838 (issued September 19, 2019); *Thomas W. Stevens*, 50 ECAB 288 (1999); *George E. Williams*, 44 ECAB 530 (1993).

a physician as defined under FECA and his medical reports do not constitute competent medical evidence.<sup>17</sup>

OWCP also received reports dated October 16, 2024 through January 14, 2025 by Dr. Chen. However, he did not provide an opinion regarding the medical necessity of the requested physical therapy.

The only limitation on OWCP's authority to authorize medical treatment is one of reasonableness.<sup>18</sup> As none of the medical evidence explained how the proposed physical therapy was medically necessary and causally related to an accepted condition under this claim, the Board finds that OWCP acted reasonably in denying appellant's request for physical therapy.<sup>19</sup>

### **LEGAL PRECEDENT -- ISSUE 2**

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.<sup>20</sup> 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.<sup>21</sup> 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.<sup>22</sup>

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.<sup>23</sup> 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.<sup>24</sup>

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<sup>17</sup> *E.L., id.*; *J.D.*, Docket No. 22-0240 (issued June 8, 2022); *R.P.*, Docket No. 19-0271 (issued July 24, 2019).

<sup>18</sup> *B.L.*, Docket No. 17-1813 (issued May 23, 2018); *Lecil E. Stevens*, 49 ECAB 673, 675 (1998).

<sup>19</sup> *K.M.*, *supra* note 15.

<sup>20</sup> 20 C.F.R. § 10.315(a).

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* at 10.315(b).

<sup>23</sup> FECA Bulletin No. 14-02 (issued January 29, 2014).

<sup>24</sup> *Id.*

In interpreting this section, the Board has recognized that OWCP has broad discretion in approving services provided under FECA.<sup>25</sup> 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.<sup>26</sup>

### **ANALYSIS -- ISSUE 2**

The Board finds that OWCP properly denied appellant's request for travel reimbursement for medical treatment from December 13 through 14, 2021.

Appellant submitted a request for travel reimbursement for medical treatment from December 13 through 14, 2021 to undergo a schedule award evaluation by Dr. Ellis, whose practice was located approximately 466 miles from her home.

OWCP's regulations provide that, generally, a round trip of up to 100 miles is a reasonable distance to travel.<sup>27</sup> To establish that a travel reimbursement of more than 100 miles is warranted, OWCP's regulations indicate that the claimant must provide information describing the circumstances and necessity for such travel expenses.<sup>28</sup>

Appellant has not sufficiently explained the necessity of traveling 466 miles each way to Oklahoma City, Oklahoma to seek care, or why such travel was reasonable.<sup>29</sup> Appellant has provided no evidence to establish a lack of available services closer to her home for treatment of her accepted conditions, or a specific need for the distances for which she was requesting authorization for reimbursement.<sup>30</sup> Additionally, the evidence of record is insufficient to establish that treatment with Dr. Ellis was medically necessary.<sup>31</sup> As indicated in FECA Bulletin No. 14-

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<sup>25</sup> *B.N.*, Docket No. 24-0938 (issued December 3, 2024); *T.J.*, Docket No. 24-0706 (issued September 6, 2024); *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); *Daniel J. Perea*, 42 ECAB 214, 221 (1990).

<sup>26</sup> *Id.*

<sup>27</sup> 20 C.F.R. § 10.315(a).

<sup>28</sup> *Id.*

<sup>29</sup> *A.N.*, Docket No. 24-0824 (issued February 21, 2025); *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).

<sup>30</sup> *Id.*

<sup>31</sup> *A.N.*, *supra* note 29; *T.J.*, Docket No. 24-0706 (issued September 6, 2024).

02, any travel reimbursement request of more than 100 miles was to be reviewed by an OWCP claims examiner.<sup>32</sup>

OWCP has broad discretion in considering whether to reimburse or authorize travel expenses.<sup>33</sup> 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.<sup>34</sup> The Board thus finds that OWCP has not abused its discretion by denying appellant's travel reimbursement request.<sup>35</sup>

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 request for authorization for physical therapy. The Board further finds that OWCP properly denied appellant's request for travel reimbursement for medical treatment from December 13 through 14, 2021.

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<sup>32</sup> *Supra* note 22.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *B.N.*, *supra* note 25; *D.V.*, Docket No. 24-0671 (issued August 26, 2024) and *K.H.*, Docket No. 20-1134 (issued August 8, 2020); *J.J.*, Docket No. 10-1908 (issued June 16, 2011).



**ORDER**

**IT IS HEREBY ORDERED THAT** the January 6 and 16, 2025 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: March 11, 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