

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of GLORIA H. MCGOWAN and DEPARTMENT OF THE ARMY,
FORT SAM HOUSTON, TX

*Docket No. 98-1067; Submitted on the Record;
Issued January 20, 2000*

DECISION and ORDER

Before GEORGE E. RIVERS, MICHAEL E. GROOM,
BRADLEY T. KNOTT

The issue is whether the Office of Workers' Compensation Programs properly suspended appellant's compensation benefits on the grounds that she failed to provide information regarding her earnings.

On June 5, 1980 appellant, then a 52-year-old procurement officer, sustained a contusion of the low back in the performance of duty and received appropriate compensation benefits.

By letter dated November 26, 1996, the Office asked appellant to complete a Form CA-1032 regarding her earnings and other information and advised her that if she did not return the completed form within 30 days her compensation benefits would be suspended.

The record shows that appellant completed the Form CA-1032, signed it and dated the form December 13, 1996, and that the completed form was received by the Office on December 16, 1996.

By decision dated February 28, 1997, the Office suspended appellant's compensation benefits effective March 2, 1997 on the grounds that appellant had not responded to the Office's November 26, 1996 request that she submit a completed Form CA-1032.

The Board finds that the Office improperly suspended appellant's compensation benefits on the grounds that she failed to complete a Form CA-1032.

Section 8106(b) of the Federal Employees' Compensation Act authorizes the Secretary of Labor to "require a partially disabled employee to report his earnings from employment or self-employment, by affidavit or otherwise, in the manner and at the times the Secretary specifies."¹

¹ 5 U.S.C. § 8106(b).

In this case, the record shows that appellant submitted the requested, completed Form CA-1032 which was received by the Office on December 16, 1996. Therefore, the Office improperly suspended her compensation benefits on the grounds that she had not submitted a completed Form CA-1032 as requested by the Office.

The February 28, 1997 decision of the Office of Workers' Compensation Programs is reversed.

Dated, Washington, D.C.
January 20, 2000

George E. Rivers
Member

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member