

The Office issued a decision on May 28, 1965 determining appellant's loss of wage-earning capacity.

On February 25, 2003 the Office suspended appellant's compensation benefits effective March 23, 2003 due to his failure to return a January 24, 2003 Form CA-1032 and complete the accompanying EN1032 form. Appellant completed the requested form on April 11, 2003.

The Office sent appellant CA-1032 forms dated February 24, April 13 and June 4, 2004 to his address of record, P.O. Box 514, Nescopeck, Pennsylvania 18635, requesting that appellant complete the enclosed EN1032 forms within 30 days. The record does not contain a response from appellant.

By decision dated July 19, 2004, the Office suspended appellant's compensation benefits effective August 8, 2004 as he failed to complete the requested forms.¹

LEGAL PRECEDENT

Pursuant to section 10.528 of the Office's regulations, it will periodically require each employee who is receiving compensation benefits to complete an affidavit as to any work, or activity indicating an ability to work, which the employee has performed for the prior 15 months.² If an employee who is required to file such a report fails to do so within 30 days of the date of the request, his or her right to compensation for wage loss is suspended until the Office receives the requested report. At that time the Office will reinstate compensation retroactive to the date of suspension if the employee remains entitled to compensation.³

ANALYSIS

On February 24, April 13 and June 4, 2004 the Office sent correctly addressed requests for completion of the EN1032 forms. The Office requested responses within 30 days from the date of the respective CA-1032 forms. The record does not contain a response from appellant to these requests. As appellant did not respond to the Office's requests for completion of the EN1032 forms, the Board finds that the Office properly suspended his wage-loss compensation pursuant to 20 C.F.R. § 10.528 effective August 8, 2004.

CONCLUSION

The Board finds that the Office properly suspended appellant's compensation benefits effective August 8, 2004 as he failed to submit completed EN1032 forms as requested.

¹ The Board notes that appellant submitted additional new evidence following the Office's July 19, 2004 decision both to the Office and accompanying his appeal request to the Board. As the Office has not issued a final decision regarding this evidence, the Board may not consider it for the first time on appeal. 20 C.F.R. § 501.2(c).

² 20 C.F.R. § 10.528.

³ *Id.*; see also 20 C.F.R. § 10.525; *Eugene S. Moye*, Docket No. 04-2072 (issued February 25, 2005).

ORDER

IT IS HEREBY ORDERED THAT the July 19, 2004 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: July 15, 2005
Washington, DC

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

David S. Gerson, Judge
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board