

advised that if he did not comply within the allotted timeframe his benefits would be suspended.¹ On April 19, 2004 the Office again requested that appellant complete Form CA-1032. The record does not reveal that the Office received any response from appellant. In a decision dated May 10, 2004, the Office suspended appellant's compensation benefits effective May 16, 2004 on the grounds that he had failed to submit a completed Form CA-1032 as requested.

LEGAL PRECEDENT

Pursuant to 20 C.F.R. § 10.525, an employee who is receiving compensation for partial or total disability will periodically be required to submit a report of earnings from employment or self-employment, either part time or full time. Failure to report income may result in forfeiture of all benefits paid during the reporting period.² The regulations further provide that 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 will be suspended until the Office receives the requested report.³ Upon receipt of the information, the Office will reinstate compensation retroactive to the date of suspension if the employee remains entitled to compensation.⁴

ANALYSIS

On March 1, 2004 the Office sent a correctly addressed request for completion of a Form CA-1032. Additionally, the Office advised that if it did not receive a response within 30 days appellant's entitlement to continuing compensation would be suspended in accordance with 20 C.F.R. § 10.528. However, appellant did not respond. On April 19, 2004 the Office again sent appellant a second request for completion of Form CA-1032. Again, no response from appellant was forthcoming. As appellant did not respond to the Office's March 1, 2004 request for completion of Form CA-1032, the Office properly suspended his wage-loss compensation pursuant to 20 C.F.R. § 10.528.

CONCLUSION

The Board finds that the Office properly suspended appellant's compensation benefits effective May 16, 2004 because he failed to submit a completed Form CA-1032 when requested.

¹ The Office's March 1 and April 19, 2004 correspondence was mailed to appellant's last known address of record: 6708 Aspenpoint, Plano, TX 75023.

² 20 C.F.R. § 10.525 (1999).

³ 20 C.F.R. § 10.528 (1999).

⁴ *Id.*

ORDER

IT IS HEREBY ORDERED THAT the May 10, 2004 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: February 25, 2005
Washington, DC

Alec J. Koromilas
Chairman

David S. Gerson
Alternate Member

A. Peter Kanjorski
Alternate Member