



overpayment. Therefore, the fact and amount of the overpayment cannot be established from the current case record.

Also, the Office has not established that appellant had any earnings for the period May 1 to July 8, 2006. The record contains a June 30, 2006 letter from appellant's private employer, stating that he had worked for the past four to six months in real estate development with a stated annual salary. While this letter is evidence of employment, it does not contain evidence of any actual weekly or monthly earnings. There are no pay stubs or other evidence of record showing that appellant had earnings during the asserted period of overpayment.

The Board finds that the evidence does not establish that appellant received either compensation or earnings from May 1 to July 8, 2006. Therefore, the Office has not met its burden of proof in establishing an overpayment of compensation for that period.

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated April 23, 2007 is reversed.

Issued: April 9, 2008  
Washington, DC

David S. Gerson, Judge  
Employees' Compensation Appeals Board

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

James A. Haynes, Alternate Judge  
Employees' Compensation Appeals Board