

The Office subsequently adjusted his wage-loss compensation to reflect his actual earnings as a modified materials handler.¹

On April 3, 2008 the Office sent appellant an income and employment disclosure (EN1032) form. The accompanying instructions advised him to “completely answer all questions and return [the] statement within 30 days of the date of [the] letter.” The Office advised appellant that, if he failed to comply, his benefits would be suspended in accordance with 20 C.F.R. § 10.528. The record does not establish that appellant responded to the requested information within the allotted time frame.

In a decision dated May 8, 2008, the Office suspended appellant’s wage-loss compensation effective May 11, 2008 because of his failure to respond to the April 3, 2008 request to submit a Form EN1032. Appellant was advised that his compensation benefits would be restored retroactively to the date of suspension once he submitted the requested information.

LEGAL PRECEDENT

The Office periodically requires 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 under 5 U.S.C. §§ 8105 or 8106 is suspended until the Office receives the requested report.³ Upon receipt of the report, the Office will reinstate compensation retroactive to the date of suspension if the employee remains entitled to compensation.⁴

ANALYSIS

On April 3, 2008 the Office advised appellant that he had 30 days within which to submit material information pertaining to his receipt of compensation benefits on an EN1032 form. It mailed the request to appellant’s address of record, which was the same address where appellant received similar requests in 2006 and 2007. Appellant responded to both of those prior requests in a timely manner. In its April 3, 2008 correspondence, the Office properly advised him of the consequences for failing to timely submit Form EN1032. Appellant did not respond. Accordingly, the Office properly suspended his wage-loss compensation effective May 11, 2008.⁵

¹ Appellant’s four-week compensation payment was reduced to \$182.00 effective August 7, 2005.

² 20 C.F.R. § 10.528 (2008).

³ *Id.*

⁴ *Id.*

⁵ 20 C.F.R. § 10.528 (2008); *see Lucille A. Pettaway*, 55 ECAB 228, 231 (2004).

CONCLUSION

The Board finds that the Office properly suspended appellant's wage-loss compensation effective May 11, 2008.

ORDER

IT IS HEREBY ORDERED THAT the May 8, 2008 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: December 9, 2008
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

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

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