

On April 22, 2008 the Office sent appellant a Form CA-1032 for completion. It informed her that federal regulations required her to make an affidavit of any earnings or employment during the previous year and that the form was enclosed for that purpose. The Office notified appellant that she had to completely answer all questions and return the statement within 30 days, otherwise her benefits would be suspended. Appellant did not respond.

On June 5, 2008 the Office sent appellant another CA-1032 form to complete. It again informed her that federal regulations required her to make an affidavit of any earnings or employment during the previous year. The Office reiterated that appellant had to completely answer all questions and return the statement within 30 days; otherwise her benefits would be suspended. No response was received from her.

By decision dated July 16, 2008, the Office suspended appellant's compensation benefits, effective July 6, 2008, for failing to submit the CA-1032 form as requested. It noted that she did not respond to its requests for completion of the form.

LEGAL PRECEDENT

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. Pursuant to this authority, as well as her authority under 5 U.S.C. § 8149 to prescribe rules and regulations necessary for the administration and enforcement of the Act, the Secretary has promulgated the following regulation at 20 C.F.R. § 10.528:

“[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. 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 [total disability] or 8106 [partial disability] is suspended until [it] 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.”

ANALYSIS

On April 22 and June 5, 2008, the Office provided appellant with a Form CA-1032 and explained that federal regulations required her to complete it and answer questions concerning her employment and earnings. It properly notified appellant that if she did not completely answer all questions and return the statement within 30 days, her benefits would be suspended.

Notwithstanding such notice, appellant did not return the forms within 30 days as requested. The Board finds that the Office properly suspended her right to compensation for

wage loss under section 10.528 of the implementing federal regulations.¹ The Board will affirm the Office's July 16, 2008 decision.²

CONCLUSION

The Board finds that the Office properly suspended appellant's compensation benefits for failing to submit information on a Form CA-1032, as required.

ORDER

IT IS HEREBY ORDERED THAT the July 16, 2008 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: September 9, 2009
Washington, DC

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

David S. Gerson, Judge
Employees' Compensation Appeals Board

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

¹ See *Kathy J. Snyder*, Docket No. 00-490 (issued January 24, 2002).

² Subsequent to the filing of the appeal, appellant submitted additional evidence to the Office. The Board's review of the case is limited to the evidence of record which was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c).