



CA-1032 was enclosed for that purpose. It notified her that she had to completely answer all questions on the Form CA-1032 and return the statement within 30 days or her benefits would be suspended. The letter was sent to appellant's address of record.

On April 21, 2009 the Office noted that appellant had not returned the Form CA-1032 for completion. It provided her with another Form CA-1032 to complete and again informed her that she had to complete and return the forms within 30 days or have her benefits suspended.<sup>1</sup> Appellant did not respond.

By decision dated June 4, 2009, the Office suspended appellant's compensation for failing to submit the Form CA-1032 as requested. It noted that she had not responded to either its January 23 or April 21, 2009 correspondence.

### **LEGAL PRECEDENT**

Section 8106(b) of the Federal Employees' Compensation Act<sup>2</sup> authorizes the Secretary of Labor to require a partially disabled employee to report his or her earnings from employment or self-employment, by affidavit or otherwise, in the manner and at the times the Secretary specifies.<sup>3</sup> 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 regulations 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 January 23 and April 21, 2009 the Office provided appellant with a Form CA-1032 and explained that federal regulations required her to complete it and answer all questions concerning her employment and earnings. It properly notified her that if she did not completely answer all questions and return the statement within 30 days, her benefits would be suspended.<sup>4</sup>

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<sup>1</sup> The Office also requested updated medical evidence. It noted that a prior request for medical information was returned as undeliverable. The April 21, 2009 letter was also sent to appellant's address of record.

<sup>2</sup> 5 U.S.C. §§ 8101-8193.

<sup>3</sup> 5 U.S.C. § 8106(b).

<sup>4</sup> It is presumed that a notice mailed to an individual in the ordinary course of business was received by that individual. Under the mailbox rule, evidence of a properly addressed letter together with evidence of proper mailing may be used to establish receipt. *See Joseph R. Giallanza*, 55 ECAB 186 (2003).

Notwithstanding such notice, appellant did not return the forms within 30 days as requested. As she did not complete the Form CA-1032 affidavits reporting all employment and self-employment, as required by regulation. The Office properly suspended her right to compensation for wage loss under section 10.528.<sup>5</sup>

**CONCLUSION**

The Board finds that the Office properly suspended appellant's entitlement to compensation because she did not submit a Form CA-1032 as requested.

**ORDER**

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated June 4, 2009 is affirmed.

Issued: March 1, 2010  
Washington, DC

David S. Gerson, Judge  
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

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

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<sup>5</sup> See *James A. Igo*, 49 ECAB 189 (1997).