



OWCP determined, however, that appellant's compensation did not contain deductions for health premiums or life insurance benefits as of February 25, 2006 and continuing. On March 25, 2009 and February 24, 2010, it issued a preliminary determination that an overpayment had occurred in the amount of \$5,234.36 for the period February 25, 2006 through December 20, 2008 due to the lack of deduction of insurance premiums. OWCP found that appellant was with fault regarding the creation of the overpayment because she should have reasonably been aware that her premiums were not being paid or being deducted. In a decision dated April 5, 2010, it finalized the preliminary determination regarding the overpayment of \$5,234.36.

In her appeal to the Board, appellant contends that she was not at fault for the overpayment. She asserted that she wrote letters to OWCP explaining that she was being denied coverage by her health insurer. Appellant attached copies of these letters, all of which were either date-stamped or stamped as received by OWCP. In addition, she attached copies of letters from OWCP which acknowledged her complaints and her requests for assistance. The record also contains numerous e-mail memorandum between the employing establishment and OWCP indicating that OWCP was uncertain whether the insurance deductions should have been made by OWCP or by the employing establishment. As the record indicates that appellant had questioned whether she had insurance coverage during the time in question and OWCP questioned responsibility for deduction of the insurance premiums, OWCP should have made findings of fact to substantiate the finding that appellant was at fault for creating the overpayment for accepting compensation which did not deduct insurance premiums.

The Board is unable to render an informed adjudication of the case. The appeal docketed as No. 10-2401 must be set aside and remanded for adjudication of the case pursuant to 5 U.S.C. § 8128(a).

Accordingly, the April 5, 2010 decision will be set aside. OWCP shall make findings of fact as to whether appellant is with fault in the creation of the overpayment, and, if not, whether she is entitled to waiver of the overpayment. After such further development as OWCP deems necessary, it should issue an appropriate decision to protect appellant's appeal rights.

**IT IS HEREBY ORDERED THAT** the decision dated April 5, 2010 be set aside and the case remanded for reconsideration of the issues of fault and waiver of overpayment.

Issued: August 12, 2011  
Washington, DC

Richard J. Daschbach, Chief Judge  
Employees' Compensation Appeals Board

Alec J. Koromilas, Judge  
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board