

Please provide details if this accepted.” The employing establishment acknowledged to OWCP that it had received the letter, but it gave appellant no response. Noting that appellant had failed to make arrangements to report to work, OWCP terminated compensation on January 14, 2010. OWCP’s hearing representative affirmed on July 16, 2010.

The Board has held that without a specific date and time to report to work, a claimant’s absence from the employing establishment cannot be viewed as a refusal or neglect to work after suitable work was offered to, procured by or secured for him.³ As it appears the employing establishment made no effort to arrange for a report date and time following appellant’s November 24, 2009 acceptance, the Board finds that OWCP improperly terminated compensation. Appellant’s response was not a conditional or ambivalent acceptance.⁴ His was an unequivocal acceptance with a suggested start date the employing establishment never confirmed. Without an established date and time to report to work, the record on appeal does not support OWCP’s finding of refusal.

³ *Susan M. Spooner*, Docket No. 96-833 (issued October 19, 1998); see *Judith A. Boyle*, Docket No. 99-533 (issued November 23, 1999) (as there was no evidence that the claimant refused the offered position or that she refused to report to work at a time set by the employing establishment, the Board found that OWCP failed to meet its burden of proof to establish that the claimant refused an offer of suitable work); *Katherine Bocko*, Docket No. 97-77 (issued December 28, 1998) (as the claimant had stated she would accept the position, the Board found that before OWCP could terminate compensation for refusing suitable work, it would have to wait until she did not appear to work at the offered position on the date set by the employing establishment or until she abandoned the position shortly after taking it).

⁴ *Diane M. Clark*, Docket No. 98-1348 (issued June 2, 1999) (condition and ambivalent responses to OWCP’s notices held insufficient to show that the claimant did not refuse an offer of suitable work).

IT IS HEREBY ORDERED THAT the July 16, 2010 decision of the Office of Workers' Compensation Programs is reversed.

Issued: June 28, 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