

FACTUAL HISTORY

In 1996 appellant, a 35-year-old management analyst/resource manager, filed an occupational disease claim alleging that she sustained an emotional condition in the performance of duty. OWCP accepted her claim for depressive disorder and acute reaction to stress. Appellant received compensation for wage loss on the periodic rolls.

On June 1, 2012 OWCP requested information from appellant in connection with her receipt of benefits under FECA. It instructed her to complete an enclosed Form EN1032 and return the statement within 30 days of the date of the letter. OWCP notified appellant that, if she did not timely return the statement, OWCP would suspend her benefits in accordance with 20 C.F.R. § 10.528. Appellant did not respond.

In a July 6, 2012 decision, OWCP suspended appellant's compensation benefits. It explained that it had received no response to its June 1, 2012 request. OWCP noted that, if appellant completed and returned the form, it would restore her compensation benefits retroactively to the date they were suspended.

LEGAL PRECEDENT

OWCP 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 or § 8106 is suspended until OWCP receives the requested report. At that time, OWCP will reinstate compensation retroactive to the date of suspension if the employee remains entitled to compensation.³

ANALYSIS

On June 1, 2012 OWCP requested that appellant complete and return a Form EN1032 within 30 days. It properly notified her of the consequences if she did not return the form in a timely fashion. The record establishes that OWCP did not receive the form within 30 days. Further, the record shows no extenuating circumstances.⁴ Accordingly, the Board finds that OWCP properly suspended appellant's compensation pursuant to 20 C.F.R. § 10.528.⁵ The Board will affirm OWCP's July 6, 2012 decision.

³ 20 C.F.R. § 10.528; *see* 5 U.S.C. § 8106(b) (the Secretary of Labor may 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).

⁴ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Periodic Review of Disability Claims*, Chapter 2.812.10.b(1) (March 2010).

⁵ *N.G.*, Docket No. 12-981 (issued December 4, 2012) (record established that the claimant did not respond within 30 days).

Appellant may submit to OWCP new evidence or argument with a written request for reconsideration of its July 6, 2012 decision within one year of this merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605 through 10.607.

CONCLUSION

The Board finds that OWCP properly suspended appellant's compensation.

ORDER

IT IS HEREBY ORDERED THAT the July 6, 2012 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: January 22, 2013
Washington, DC

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

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

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