

By decision dated December 19, 2012, OWCP terminated appellant's compensation on the grounds that he refused an offer of suitable work under section 8106(c).

The Board, having duly considered the matter, finds that OWCP failed to meet its burden of proof in terminating appellant's compensation benefits as it did not comply with its own procedural requirements. OWCP regulations and procedures and Board case law provide that OWCP must inform appellant of the consequences of refusing suitable work and allow appellant an opportunity to provide reasons for declining the offered position.¹ If appellant presents reasons for refusing the offered position, OWCP must inform him if it finds the reasons inadequate to justify the refusal of the offered position and afford him a final opportunity to accept the position.²

Following receipt of the information from the rehabilitation counselor explaining why appellant was not accepting the offered position, OWCP terminated his wage-loss benefits on December 19, 2012 without advising him that his reasons for refusing the position were unacceptable and that he had 15 days to accept the job offer.³ OWCP did not comply with the proper notice requirements prior to termination. Accordingly, the Board finds that the invocation of section 8106(c) under the facts of this case constituted error and, thus, OWCP improperly terminated appellant's compensation effective December 19, 2012 on the grounds that he refused suitable work.

¹ 20 C.F.R. §§ 10.516-10.517; Federal (FECA) Procedure Manual, Part 2 -- Claims, *Reemployment: Determining Wage-Earning Capacity*, Chapter 2.814.4(c) (July 1997); *see also Maggie L. Moore*, 42 ECAB 484 (1991), *reaff'd on recon.*, 43 ECAB 818 (1992).

² Federal (FECA) Procedure Manual, *id.* at Chapter 2.814.5(d)(1) (July 1997); *Maggie L. Moore, id.*

³ *See Kenneth R. Love*, 50 ECAB 193 (1998).

IT IS HEREBY ORDERED THAT the December 19, 2012 decision of the Office of Workers' Compensation Programs is reversed.

Issued: June 25, 2013
Washington, DC

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

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

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