

35-pound ledgers down from shelves. OWCP accepted the claim for aggravation of degenerative disc disease. It paid compensation benefits for total disability beginning in 1972.

On November 3, 2014 OWCP informed appellant that federal regulations required her to make an affidavit relative to any earnings or employment during the previous year and that a Form CA-1032 was enclosed for that purpose. It notified her that she must fully answer all questions on the Form CA-1032 and return it within 30 days or her benefits would be suspended. The letter was sent to appellant's address of record. Appellant did not respond.

By decision dated December 17, 2014, OWCP suspended appellant's compensation benefits, effective January 11, 2015, for failing to submit the Form CA-1032, as requested. It noted that, if she completed and returned an enclosed copy of the Form CA-1032, her compensation benefits would be restored retroactively to the date they were suspended.

LEGAL PRECEDENT

FECA 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.²

Under section 10.528 of OWCP's implementing federal regulations, an employee in receipt of compensation benefits must complete an affidavit as to any work or activity indicating an ability to work which the employee has performed for the prior 15 months.³ 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 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.⁴

ANALYSIS

On November 3, 2014, OWCP provided appellant with a Form CA-1032. It notified her that federal regulations required her to complete the form and answer all questions concerning her employment or earnings. OWCP properly notified her that if she did not completely answer all questions and return the statement within 30 days, her benefits would be suspended. The record reflects that OWCP's letter was properly sent to appellant's address of record.⁵

² *Id.* at § 8106(b).

³ 20 C.F.R. § 10.528.

⁴ *Id.*; *see also id.* at § 10.525.

⁵ *See J.J.*, Docket No. 13-1067 (issued September 20, 2013).

The record shows no response until the December 17, 2014 OWCP decision. Based on the evidence of record, the Board finds that OWCP properly suspended appellant's compensation benefits effective January 11, 2015 pursuant to 20 C.F.R. § 10.528.⁶

As noted, appellant's benefits will be retroactively reinstated when she completes and submits the Form CA-1032 to OWCP, as mandated by law.

CONCLUSION

The Board finds that OWCP met its burden of proof to properly suspend appellant's compensation benefits for failing to submit information on a Form CA-1032, as required.

ORDER

IT IS HEREBY ORDERED THAT the December 17, 2014 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: June 18, 2015
Washington, DC

Christopher J. Godfrey, Chief Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

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

⁶ *J.J.*, Docket No. 09-1724 (issued March 1, 2010). See also *James A. Igo*, 49 ECAB 189 (1997).