

FACTUAL HISTORY

OWCP accepted that on June 27, 2002 appellant, then a 35-year-old correctional treatment specialist, suffered a cervical strain and received FECA benefits. Appellant was eventually retained on the periodic compensation rolls.

In a September 8, 2014 letter, 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 had to fully answer all questions on the form and return the statement within 30 days or her benefits would be suspended. The letter was mailed to appellant's address of record.

On November 6, 2014 OWCP received from appellant a Form CA-1032 dated November 1, 2014. Questions 1a and 2a of Part D were incomplete.

OWCP sent appellant another Form CA-1032 on December 1, 2014 with another 30 days to fully complete and return the enclosed form. It advised that failure to submit the fully completed Form CA-1032 within the requested time frame would result in her compensation benefits being formally suspended until such time the form is submitted. No response was received.

By decision dated March 2, 2015, OWCP suspended appellant's compensation benefits effective March 8, 2015 for failing to complete a Form CA-1032 as requested. It noted that, if she completed and returned an enclosed copy of the form, 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 her earnings from employment or self-employment, by affidavit or otherwise, in the manner and at the times the Secretary specifies.³

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.⁴ 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.⁵

³ 5 U.S.C. § 8106(b).

⁴ 20 C.F.R. § 10.528. *See also A.H.*, Docket No. 15-241 (issued April 3, 2015).

⁵ *Id.*; *see also* 20 C.F.R. § 10.525.

ANALYSIS

The Board finds that OWCP properly suspended appellant's compensation benefits effective March 8, 2015 for failure to complete a Form CA-1032 as requested.

On September 8, 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.⁶ Under the mailbox rule, a document mailed in the ordinary course of the sender's business practices to the addressee's last known address is presumed to be received by the addressee.

The record shows that appellant submitted a Form CA-1032 dated November 1, 2014. However, Questions 1a and 2a of Part D were incomplete. Based on the evidence of record, the Board therefore finds that OWCP properly suspended appellant's compensation benefits effective March 8, 2015 pursuant to 20 C.F.R. § 10.528.⁷

On appeal appellant contends that she may have submitted her paperwork to the wrong place. As noted, her benefits will be retroactively reinstated when she fully completes and submits the Form CA-1032 to OWCP, as mandated by law.

CONCLUSION

The Board finds that OWCP properly suspended appellant's compensation benefits effective March 8, 2015 for failure to complete a Form CA-1032 as requested.

⁶ See *Kenneth E. Harris*, 54 ECAB 502, 505 (2003); *J.J.*, Docket No. 13-1067 (issued September 20, 2013).

⁷ See *M.W.*, Docket No. 15-0507 (issued June 18, 2015). See also *James A. Igo*, 49 ECAB 189 (1997).

ORDER

IT IS HEREBY ORDERED THAT the March 2, 2015 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: November 4, 2015
Washington, DC

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

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

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