

ISSUE

The issue is whether OWCP properly suspended appellant's compensation benefits effective August 20, 2017 because she had failed to complete and return a Form CA-1032 as requested.

FACTUAL HISTORY

This case has previously been before the Board.³ The facts and circumstances as set forth in the Board's prior decisions are incorporated herein by reference. The relevant facts are as follows.

On August 29, 1975 appellant, then a 24-year-old machine distribution clerk, was injured in the performance of duty when a console panel from a zip mail translator (ZMT) machine fell and hit her on the top of the head. She stopped work on August 29, 1975.⁴ OWCP accepted appellant's traumatic injury claim for head contusion, concussion, post-traumatic anxiety neurosis, and schizophrenic reaction. It paid appellant continuation of pay from August 30 to October 13, 1975. OWCP subsequently began paying her compensation for temporary total disability.

By decision dated November 19, 1999, OWCP reduced appellant's wage-loss compensation based on her ability to earn wages in the selected position of receptionist. When the case was last on appeal to the Board, it affirmed OWCP's November 19, 1999 loss of wage-earning capacity (LWEC) determination. In its April 2, 2003 decision, the Board also found that appellant failed to establish a basis for modifying the LWEC determination.⁵ Since this Board decision, OWCP has continued to pay appellant wage-loss compensation every 28 days based on the November 19, 1999 LWEC determination.⁶

Over the years, OWCP periodically requested that appellant submit financial disclosure statements (Form CA-1032), which solicited information about her employment, volunteer work, dependent(s) status, receipt of other federal benefits and/or payments, and third-party settlements. Appellant routinely complied with OWCP's requests.⁷

On June 30, 2017 OWCP mailed her a Form CA-1032 to ascertain from her whether she had any earnings from employment in the past 15 months, and/or any monetary or in-kind

³ Docket No. 03-0219 (issued April 2, 2003); Docket No. 01-1527 (issued August 16, 2002); Docket No. 86-1354 (issued July 31, 1986); and Docket No. 82-1979 (issued September 30, 1982).

⁴ The employing establishment terminated appellant's services effective May 15, 1977.

⁵ Docket No. 03-0219 (issued April 2, 2003).

⁶ The latest merit decision regarding entitlement to wage-loss compensation for temporary total disability and/or modification of the November 19, 1999 LWEC determination was issued on September 18, 2009.

⁷ The record reveals that from 2009 to 2016 OWCP mailed appellant CA-1032 forms for her completion and appellant returned the documents completed within the time allotted.

compensation for volunteering. The form was sent to appellant's last known address. The letter accompanying the form specifically advised that appellant's benefits would be suspended if she failed to return the form within 30 days pursuant to 20 C.F.R. § 10.528. OWCP did not receive the requested Form CA-1032 within the time allotted.

By decision dated August 17, 2017, OWCP suspended appellant's wage-loss compensation benefits, effective August 20, 2017. The decision advised that, if she completed and returned the financial disclosure form, her benefits would be restored retroactively to the date of suspension.

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.⁸

Under 20 C.F.R. § 10.528 of OWCP's 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 in the previous 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 is suspended until OWCP receives the requested report.⁹ At that time, OWCP will reinstate compensation retroactive to the date of suspension if the employee remains entitled to compensation.¹⁰

ANALYSIS

On June 30, 2017 OWCP provided appellant with a Form CA-1032. It notified her that federal regulations required her to complete the form and answer all questions about her earnings and employment activities for the previous 15 months.¹¹ OWCP properly notified her that, if she did not completely answer all the questions and return the form within 30 days, her benefits would be suspended. The record demonstrates that the form was mailed to appellant's address of record.¹²

The record shows no response from appellant prior to the August 17, 2017 decision. The Board thus finds that OWCP properly suspended appellant's compensation benefits effective

⁸ 5 U.S.C. § 8106(b).

⁹ *Lucille A. Pettaway*, 55 ECAB 228 (2004); *Demetrius Beverly*, 53 ECAB 189 (1997).

¹⁰ *M.W.*, Docket No. 15-0507 (issued June 18, 2015); *R.R.*, Docket No. 13-0528 (issued June 13, 2013).

¹¹ See *Kevin Igo*, 49 ECAB 191 (1997) (the Board held that appellant must complete and return Form CA-1032 and that suspension of compensation was proper sanction for failure to do so).

¹² *I.A.*, Docket No. 15-1168 (issued November 4, 2015).

August 20, 2017.¹³ The Board has consistently held that suspension of benefits is proper for failure to complete and return a Form CA-1032.¹⁴

On appeal counsel contends that OWCP, in its August 2017 decision, wrongfully denied appellant one hundred percent disability benefits. The issue of whether OWCP's LWEC determination was proper is not currently before the Board.¹⁵ As noted, appellant failed to complete Form CA-1032 as required by federal regulations within the allotted time. OWCP, therefore, properly suspended her compensation benefits, effective August 20, 2017.¹⁶

CONCLUSION

The Board finds that OWCP properly suspended appellant's compensation benefits effective August 20, 2017 because she failed to complete and return a Form CA-1032 as requested.

¹³ *J.J.*, Docket No. 09-1724 (issued March 1, 2010).

¹⁴ *Supra* note 12.

¹⁵ *See supra* note 6; 20 C.F.R. § 501.3(e).

¹⁶ *See supra* note 11.

ORDER

IT IS HEREBY ORDERED THAT the August 17, 2017 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: August 22, 2018
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