

The relevant facts include that on May 21, 2011 appellant filed a claim for compensation (Form CA-7) for the period May 13 to 21, 2011. In correspondence dated October 21, 2014, the employing establishment notified appellant that, in compliance with a June 24, 2014 bench decision issued by an Equal Employment Opportunity Commission (EEOC) judge, she was awarded back pay for the period May 12 through June 18, 2011.³

Section 8102 of FECA provides that the United States shall pay compensation for the disability or death of an employee resulting from personal injury sustained while in the performance of duty.⁴ Section 8116 of FECA defines the limitations on the right to receive compensation benefits. This section of FECA provides that while an employee is receiving compensation, he or she may not receive salary, pay or remuneration of any type from the United States, except in limited circumstances.⁵ Section 10.500 of OWCP's regulations provides that "compensation for wage loss due to disability is available only for any periods during which an employee's work-related medical condition prevents him or her from earning the wages earned before the work-related injury."⁶

The Board has duly considered the matter and concludes that OWCP's December 20, 2016 decision must be set aside. The merit issue in the instant claim, whether appellant established entitlement to wage-loss compensation for the period May 13 through June 4, 2011 is moot.⁷ The record supports that appellant has received wages for the period she is claiming compensation in this appeal. Appellant is, therefore, not entitled to wage-loss compensation for this period.⁸

³ The EEOC decision also awarded appellant \$8,000.00 in non-pecuniary compensatory damages. The record also includes an incomplete copy of a bench decision.

⁴ 5 U.S.C. § 8102(a).

⁵ *Id.* at § 8116(a); see *Danny E. Haley*, 56 ECAB 393 (2005).

⁶ 20 C.F.R. § 10.500.

⁷ See *L.L.*, Docket No. 13-1122 (issued September 26, 2014).

⁸ *Supra* note 6.

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated December 20, 2016 is set aside.

Issued: March 7, 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