

of the fact overpayment. It indicated that, for each period, it calculated the amount that should have been offset for each 28-day FECA compensation period, divided that amount by 28 to get a daily offset amount for each period. OWCP then multiplied the daily offset amounts for each period by the number of days in each period to find the total amount that should have been offset for each period. A partially cut off worksheet provided overpayment amounts for the periods December 1, 2011 through December 9, 2017 and indicated that the total overpayment was \$76,441.93. Copies of four separate reports noting SSA rates with and without FERS for the period November 2008 through December 2017 noted different amounts for SSA rate without FERS.

By decision dated March 18, 2019, OWCP finalized its determination that appellant received a \$76,441.93 overpayment of compensation for the period November 1, 2008 through March 3, 2018, because it failed to offset her compensation payments by the portion of her SSA age-related benefits that were attributable to her federal service.

The Board finds that the case is not in posture for decision.

The record indicates beginning November 1, 2008, appellant became eligible for and received age-related retirement benefits from SSA, while she continued to receive FECA wage-loss compensation. A claimant cannot receive concurrent compensation for wage loss and SSA retirement benefits attributable to federal service for the same period.³ However, the record is not clear as to how the overpayment amount of \$76,441.93 was calculated. A partially cut off worksheet indicated that the total overpayment was \$76,441.93, but only provided overpayment amounts for the period December 1, 2011 through December 9, 2017. No overpayment amount for the period commencing November 2008 was provided. Additionally, while OWCP declared an overpayment from November 1, 2008 through March 3, 2018, the evidence of record provided overpayment amounts only for the period December 1, 2011 through December 9, 2017. There is no calculation showing the overpayment from December 9, 2017 through March 3, 2018. Furthermore, the record contains four separate documents noting SSA rates with and without FERS for the period November 2008 through December 2017, which contains different amounts for SSA rate without FERS.

The Board has held that, in overpayment cases, it is essential that OWCP provide the recipient of compensation with a clear statement showing how the overpayment was calculated.⁴ With respect to the amount and duration of the overpayment, the Board finds that OWCP has not adequately explained how the amount and the period of the overpayment was determined in light of appellant's receipt of age-related SSA benefit. The Board therefore finds that the overpayment

³ 20 C.F.R. § 10.421(d); FECA Bulletin No. 97-09 (February 3, 1997); *see also A.C.*, Docket No. 18-1550 (issued February 21, 2019); *N.B.*, Docket No. 18-0795 (issued January 4, 2019).

⁴ *See J.M.*, Docket No. 18-1505 (issued June 21, 2019); *Teresa A. Ripley*, 56 ECAB 528 (2005).

determination must be set aside and the case remanded for further consideration of evidence followed by a *de novo* decision.

IT IS HEREBY ORDERED THAT the March 18, 2019 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further action consistent with this order of the Board.

Issued: December 31, 2019
Washington, DC

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

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board