



By decision dated May 31, 2018, OWCP finalized its determination that appellant received an \$8,442.13 overpayment of compensation for the period commencing December 1, 2001 when he began receiving SSA age-based benefits. It found that he was at fault in the creation of the overpayment, thereby precluding waiver of recovery of the overpayment. OWCP informed him that the overpayment would be collected by withholding \$100.00 from his continuing compensation payments, every 28 days, beginning June 23, 2018.

The record contains a December 30, 2008 agreement by appellant accepting a lump-sum settlement of a schedule award for the period December 21, 2008 to February 9, 2013. OWCP's regulations provide that retirement benefits paid by the Office of Personnel Management or SSA can be paid concurrently with schedule award compensation under FECA without a deduction from the FECA benefits.<sup>2</sup>

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.<sup>3</sup> With respect to the fact and amount of overpayment, the Board finds that OWCP has not provided adequate findings of facts which would allow appellant to understand the precise defect of his claim and the kind of evidence which would tend to overcome it.<sup>4</sup> It has not adequately explained how the amount of the overpayment was determined in light of appellant's receipt of schedule award compensation for a portion of the period of the overpayment. The Board therefore finds that the overpayment determination must be set aside and the case remanded for further consideration of evidence followed by a *de novo* decision.

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<sup>2</sup> FECA Bulletin No. 97-09 (issued February 3, 1997); *K.H.*, Docket No. 18-0171 (issued August 2, 2018); *A.S.*, Docket No. 17-1459 (issued December 22, 2017).

<sup>3</sup> *See Teresa A. Ripley*, 56 ECAB 528 (2005).

<sup>4</sup> 20 C.F.R. § 10.126; *H.H.*, Docket No. 18-0356 (issued October 24, 2018); *P.G.*, Docket No. 14-0430 (issued August 1, 2014).

**IT IS HEREBY ORDERED THAT** the May 31, 2018 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: June 21, 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