

Section 8124(a) of FECA provides: OWCP shall determine and make a finding of fact and make an award for or against payment of compensation.⁴ Its regulations at section 10.126 of Title 20 of the Code of Federal Regulations provide: The decision of the Director of OWCP shall contain findings of fact and a statement of reasons.⁵ Moreover, OWCP's procedure manual provides: The reasoning behind OWCP's evaluation should be clear enough for the reader to understand the precise defect of the claim and the kind of evidence which would overcome it.⁶

The Board has noted that, in overpayment determinations, it is essential that OWCP provide the recipient of compensation with a clear statement showing how the overpayment was calculated.⁷ This requirement for a clear statement of findings was not done in this case.

Additionally, the Board finds that in correspondence to OWCP dated May 15, 2017, appellant requested that certain OWCP and Board employees be subpoenaed before the Branch of Hearings and Review. The record before the Board does not contain a ruling made on these subpoena requests made prior to the April 14, 2017 preliminary overpayment determination.

The Board finds that, as the January 2, 2018 decision contained no findings with regard to how the fact and amount of the overpayment were determined, the decision will be set aside and the case remanded to OWCP. After such further development as OWCP deems necessary, it shall issue an appropriate decision with regard to the relevant overpayment issues and appellant's subpoena requests.⁸ Accordingly,

⁴ U.S.C. § 8124(a); *see R.C.*, Docket No. 16-0563 (issued May 4, 2016); *Hubert Jones, Jr.*, 57 ECAB 467 (2006); *Paul M. Colosi*, 56 ECAB 294 (2005).

⁵ *See supra* note 3.

⁶ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Disallowances*, Chapter 2.1400.5 (February 2013).

⁷ *J.M.*, Docket No. 18-1505 (issued June 21, 2019); *D.L.*, Docket No. 17-1096 (issued September 6, 2017); *Teresa A. Ripley*, 56 ECAB 528 (2005).

⁸ *See* 20 C.F.R. § 10.619.

IT IS HEREBY ORDERED THAT the January 2, 2018 decision of the Office of Workers' Compensation Programs is set aside and the case remanded to OWCP for further proceedings consistent with this order of the Board.

Issued: September 17, 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