

ISSUE

The issue is whether OWCP properly suspended appellant's compensation benefits, effective February 2, 2020, for failure to complete a Form CA-1032 as requested.

FACTUAL HISTORY

On November 21, 2005 appellant, then a 52-year-old transportation security screener, filed a traumatic injury claim (Form CA-1) alleging that on November 13, 2005 he injured his left foot and heel when he was carrying a bag and stumbled off of a curb while in the performance of duty. OWCP accepted the claim for left plantar fascial fibromatosis, aggravation of left heel spur, two plantar fibromas of the left foot, benign neoplasm of connective and soft tissue of the left lower limb including the hip, left synovitis and tenosynovitis, and left foot anesthesia half loss of sensitivity. It paid appellant wage-loss compensation on the supplemental rolls commencing January 8, 2006 and on the periodic rolls commencing March 19, 2006.

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

On November 12, 2019 OWCP notified appellant that he was required to fully answer all questions on the enclosed CA-1032 form and return it within 30 days or his benefits would be suspended. It mailed the notice to appellant's last known address.

By decision dated January 9, 2020, OWCP suspended appellant's compensation benefits, effective February 2, 2020, for failing to complete the CA-1032 form as requested. It advised that if appellant were to complete and return the form, his compensation benefits would be restored retroactively to the date they were suspended.

LEGAL PRECEDENT

Section 8106(b) of 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.³

Under section 10.528 of OWCP's implementing federal 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 for the prior 15 months.⁴ 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. At that

³ 5 U.S.C. § 8106(b).

⁴ 20 C.F.R. § 10.528. *See also H.B.*, Docket No. 19-0405 (issued June 26, 2019); *M.S.*, Docket No. 18-1107 (issued December 28, 2018); *C.C.*, Docket No. 17-0043 (issued June 15, 2018); *A.H.*, Docket No. 15-0241 (issued April 3, 2015).

time, OWCP will reinstate compensation retroactive to the date of suspension if the employee remains entitled to compensation.⁵

ANALYSIS

The Board finds that OWCP properly suspended appellant's wage-loss compensation benefits, effective February 2, 2020, for failure to complete the CA-1032 form as requested.

On November 12, 2019 OWCP provided appellant with a CA-1032 form. It properly advised him that if he did not completely answer all of the questions and return the statement within 30 days, his benefits would be suspended. The record reflects that OWCP's letter was properly sent to appellant's last known address of record and there is no indication that it was returned as undeliverable.⁶ Under the mailbox rule, a document mailed in the ordinary course of the sender's business practices to the addressee's last known address of record is presumed to be received by the addressee.⁷

The record indicates that appellant failed to timely submit the CA-1032 form within 30 days of OWCP's request. Appellant was receiving wage-loss compensation and he was therefore required to complete the CA1032 form. His failure to file a CA-1032 form within 30 days resulted in the suspension of compensation. Thus, the Board finds that OWCP properly suspended appellant's compensation benefits, effective February 2, 2020, pursuant to 20 C.F.R. § 10.528.

CONCLUSION

The Board finds that OWCP properly suspended appellant's wage-loss compensation benefits, effective February 2, 2020, for failure to complete a CA-1032 form as requested.

⁵ *Id.*; see also *id.* at § 10.525.

⁶ See *H.B.*, *supra* note 4; *J.J.*, Docket No. 13-1067 (issued September 20, 2013); *Kenneth E. Harris*, 54 ECAB 502, 505 (2003).

⁷ *Id.*

ORDER

IT IS HEREBY ORDERED THAT the January 9, 2020 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: September 14, 2020
Washington, DC

Janice B. Askin, Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Alternate Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board