



## **FACTUAL HISTORY**

On May 1, 1998 appellant, then a 44-year-old crane operator, filed a traumatic injury claim (Form CA-1) alleging on that day he was lifting a bundle of 30-inch steel beams, when the banding strap broke injuring his forearms while in the performance of duty. OWCP accepted the claim for bilateral epicondylitis. It paid appellant wage-loss compensation on the supplemental rolls, commencing November 1, 2002, and then on the periodic rolls, commencing March 23, 2003. OWCP later expanded the claim to include extensor carpi radialis brevis tear, right (resolved as of July 29, 2001), and osteoarthritis of left and right elbow.

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 July 13, 2020 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. No response was received.

By decision dated August 13, 2020, OWCP suspended appellant's compensation benefits, effective August 16, 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.<sup>3</sup>

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.<sup>4</sup> 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 time, OWCP will reinstate compensation retroactive to the date of suspension if the employee remains entitled to compensation.<sup>5</sup>

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<sup>3</sup> 5 U.S.C. § 8106(b).

<sup>4</sup> 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).

<sup>5</sup> *Id.*; *see also id.* at § 10.525.

### ANALYSIS

The Board finds that OWCP properly suspended appellant's wage-loss compensation benefits, effective August 16, 2020, for failure to complete the CA-1032 form as requested.

On July 13, 2020 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 form 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.<sup>6</sup> 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.<sup>7</sup>

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 CA-1032 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 August 16, 2020, pursuant to 20 C.F.R. § 10.528.

### CONCLUSION

The Board finds that OWCP properly suspended appellant's wage-loss compensation benefits, effective August 16, 2020, for failure to complete a CA-1032 form as requested.

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

<sup>7</sup> *Id.*

**ORDER**

**IT IS HEREBY ORDERED THAT** the August 13, 2020 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: May 5, 2021  
Washington, DC

Alec J. Koromilas, Chief Judge  
Employees' Compensation Appeals Board

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

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