

**United States Department of Labor  
Employees' Compensation Appeals Board**

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**H.W., Appellant** )

**and** )

**U.S. POSTAL SERVICE, POST OFFICE,** )  
**Burnsville, MN, Employer** )  
\_\_\_\_\_ )

**Docket No. 23-0284**  
**Issued: March 30, 2023**

*Appearances:*  
*Appellant, pro se*  
*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**DECISION AND ORDER**

Before:

ALEC J. KOROMILAS, Chief Judge  
JANICE B. ASKIN, Judge  
JAMES D. MCGINLEY, Alternate Judge

**JURISDICTION**

On December 16, 2022 appellant filed a timely appeal from a September 27, 2022 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act<sup>1</sup> (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.<sup>2</sup>

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<sup>1</sup> 5 U.S.C. § 8101 *et seq.*

<sup>2</sup> The Board notes that, following the September 27, 2022 decision, OWCP received additional evidence. However, the Board's *Rules of Procedure* provides: "The Board's review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal." 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this additional evidence for the first time on appeal. *Id.*

## ISSUE

The issue is whether OWCP properly suspended appellant's wage-loss compensation benefits, effective September 27, 2022, due to her failure to submit a properly completed Form EN-1032, as requested.

## FACTUAL HISTORY

This case has previously been before the Board on different issues.<sup>3</sup> The facts and circumstances of the case as set forth in the Board's prior decisions and orders are incorporated herein by reference. The relevant facts are as follows.

On May 26, 1999 appellant, then a 49-year-old postmaster, filed an occupational disease claim (Form CA-2) alleging that she sustained a psychological condition causally related to factors of her federal employment. OWCP accepted the claim for a prolonged depressive reaction. Appellant stopped work on February 10, 1998 and did not return. OWCP paid her wage-loss compensation for total disability on the periodic rolls.

OWCP periodically requested that appellant complete and submit financial disclosure statements (Form EN-1032) which solicited information regarding her employment, volunteer work, dependent(s) status, receipt of other federal benefits and/or payments, and third-party settlements.

In a December 2, 2021 letter, OWCP notified appellant that federal regulations required her to execute an affidavit relative to any earnings or employment during the previous 15 months and that an EN-1032 form was enclosed for that purpose. It advised that she must fully answer all questions on the enclosed EN-1032 form and return it within 30 days or her benefits would be suspended. OWCP mailed the notice to appellant's last known address of record.

On January 5, 2022 OWCP received a partially completed EN-1032 form. Appellant did not submit the first page of the form, responded to the question of whether she performed volunteer work with an "X" rather than a "Yes" or "No" as requested, and indicated that she had been assigned a CSA number from the Office of Personnel Management, but did not provide the number as requested. She signed the form on an unspecified day in December 2021.

In correspondence dated May 31, 2022, OWCP advised appellant of the deficiencies in the Form EN-1032 that she had submitted on January 5, 2022. It requested that she submit a new EN-1032 form and enclosed a form for that purpose. OWCP afforded appellant 30 days to submit the new form.

Appellant submitted a Form EN-1032 signed June 13, 2022. In response to the questions of whether she worked for an employer or was self-employed during the past 15 months, she placed

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<sup>3</sup> Docket No. 08-0009 (issued July 10, 2008); *Order Remanding Case, H.W.*, Docket No. 10-0404 (issued September 28, 2011); *order denying petition for recon.*, Docket No. 15-1126 (issued August 15, 2016); Docket No. 10-040 (issued April 25, 2012).

an “X” rather than responding “Yes” or “No” as requested on the form. Appellant further did not provide her CSA number.

By decision dated September 27, 2022, OWCP suspended appellant’s wage-loss compensation benefits effective that date, due to her failure to submit a properly completed EN-1032 form, as requested. It noted that, if she completed and returned the enclosed copy of the EN-1032 form, her compensation benefits would be restored retroactively to the date they were suspended.

### **LEGAL PRECEDENT**

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>4</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>5</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>6</sup>

### **ANALYSIS**

The Board finds that OWCP properly suspended appellant’s wage-loss compensation benefits, effective September 27, 2022, due to her failure to submit a properly completed EN-1032 form, as requested.

On December 2, 2021 OWCP provided appellant with an EN-1032 form. It properly advised her that, if she did not fully complete and return the form within 30 days, her benefits would be suspended. In response, on January 5, 2022, OWCP received a partially completed EN-1032 form. Appellant did not include the initial page of the form, failed to properly respond to the question of whether she performed volunteer work, failed to provide her CSA number, and failed to specify the exact date that she had signed the form.

OWCP advised appellant of the deficiencies of the form on May 31, 2022 and provided her a new EN-1032 form for completion. It requested that she complete, sign, and return the form within 30 days. On June 22, 2022 OWCP received an EN-1032 form signed by appellant on June 13, 2022. Appellant did not provide her CSA number and placed an “X” in response to the

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<sup>4</sup> 5 U.S.C. § 8106(b).

<sup>5</sup> 20 C.F.R. § 10.528; *see also* *L.M.*, Docket No. 22-0387 (issued August 2, 2022); *R.B.*, Docket No. 20-0176 (issued June 25, 2020); *A.H.*, Docket No. 15-0241 (issued April 3, 2015).

<sup>6</sup> *Id.*; *see also id.* at § 10.525.

questions of whether she worked for an employer or was self-employed during the past 15 months even though the EN-1032 form requested a “Yes” or “No” response.

As appellant received wage-loss compensation from OWCP on the periodic rolls, she was required to complete an EN-1032 form. She failed to submit a fully and properly completed EN-1032 form within 30 days of OWCP’s request.<sup>7</sup> Thus, the Board finds that OWCP properly suspended appellant’s compensation benefits, effective September 27, 2022, pursuant to 20 C.F.R. § 10.528.<sup>8</sup>

### **CONCLUSION**

The Board finds that OWCP properly suspended appellant’s wage-loss compensation benefits, effective September 27, 2022, due to her failure to submit a properly completed EN-1032 form, as requested.

### **ORDER**

**IT IS HEREBY ORDERED THAT** the September 27, 2022 decision of the Office of Workers’ Compensation Programs is affirmed.

Issued: March 30, 2023  
Washington, DC

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

Janice B. Askin, Judge  
Employees’ Compensation Appeals Board

James D. McGinley, Alternate Judge  
Employees’ Compensation Appeals Board

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<sup>7</sup> *J.B.*, Docket No. 22-0162 (issued May 24, 2022).

<sup>8</sup> *See B.F.*, Docket No. 22-0585 (issued October 20, 2022); *R.B.*, Docket No. 22-0578 (issued September 13, 2022); *W.L.*, Docket No. 18-1051 (issued March 24, 2021); *see also James A. Igo*, 49 ECAB 189 (1997).