

<sup>3</sup> 5 U.S.C. § 8101 *et seq.*

## **ISSUE**

The issue is whether OWCP properly suspended appellant's wage-loss compensation benefits, effective March 11, 2025, for failure to complete a Form EN-1032 as requested.

## **FACTUAL HISTORY**

On February 6, 2020, appellant, then a 23-year-old census field supervisor, filed a traumatic injury claim (Form CA-1) alleging that on February 4, 2020 she sustained injuries when her vehicle hydroplaned and struck trees on the side of the highway while in the performance of duty. She stopped work on the date of injury. OWCP accepted the claim for contusion of right forearm, cervical myofascial strain, and lumbar strain. It later expanded its acceptance of the claim to include complex regional pain syndrome of left upper limb. The record reflects that OWCP paid appellant wage-loss compensation on the supplemental rolls, effective March 21, 2020, and on the periodic rolls, effective May 19, 2024.

By letter dated January 21, 2025, OWCP informed appellant that federal regulations required her to execute an affidavit relative to any earnings or employment during the previous 15 months, and that a Form EN-1032 was enclosed for that purpose. It advised her that she must fully answer all questions on the enclosed Form EN-1032 and return it within 30 days or her benefits would be suspended. OWCP mailed the letter to appellant's last known address of record. No response was received.

By decision dated March 11, 2025, OWCP suspended appellant's wage-loss compensation benefits, effective that date, due to her failure to submit the Form EN-1032, as requested. It advised that, if she were to complete and return the form, her 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>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

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<sup>4</sup> 5 U.S.C. § 8106(b).

<sup>5</sup> 20 C.F.R. § 10.528. *C.B.*, Docket No. 24-0188 (issued May 1, 2024); *A.S.*, Docket No. 23-0437 (issued February 16, 2024). *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.<sup>6</sup>

### ANALYSIS

The Board finds that OWCP properly suspended appellant's wage-loss compensation benefits, effective March 11, 2025, for failure to complete the Form EN-1032 as requested.

On January 21, 2025, OWCP provided appellant with a Form EN-1032. It advised her that, if she did not fully answer all of the questions and return the form within 30 days, her benefits would be suspended. The record reflects that OWCP's letter was properly mailed to appellant's last known address of record, and there is no indication that it was returned as undeliverable.<sup>7</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>8</sup>

The record indicates that appellant failed to timely submit the Form EN-1032 within 30 days of OWCP's request. As noted above, 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.<sup>9</sup> Thus, the Board finds that OWCP properly suspended appellant's compensation benefits, effective March 11, 2025, pursuant to 20 C.F.R. § 10.528.<sup>10</sup>

### CONCLUSION

The Board finds that OWCP properly suspended appellant's wage-loss compensation benefits, effective March 11, 2025, for failure to complete a Form EN-1032 as requested.

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<sup>6</sup> *Id.*; *C.G.*, Docket No. 24-0210 (issued August 27, 2024); *P.M.*, Docket No. 16-0382 (issued May 19, 2016). *See also* 20 C.F.R. § 10.525.

<sup>7</sup> *C.B.*, *supra* note 5; *A.S.*, *supra* note 5; *see H.B.*, *supra* note 5; *J.J.*, Docket No. 13-1067 (issued September 20, 2013); *Kenneth E. Harris*, 54 ECAB 502, 505 (2003).

<sup>8</sup> *Id.*

<sup>9</sup> *Supra* note 6.

<sup>10</sup> *See R.T.*, Docket No. 25-02024 (issued February 10, 2025); *R.S.*, Docket No. 22-0773 (issued May 22, 2023); *R.B.*, Docket No. 20-0176 (issued June 25, 2020); *M.W.*, Docket No. 15-0507 (issued June 18, 2015).

**ORDER**

**IT IS HEREBY ORDERED THAT** the March 11, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: April 14, 2025  
Washington, DC

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

Patricia H. Fitzgerald, Deputy Chief Judge  
Employees' Compensation Appeals Board

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