

<sup>2</sup> The Board notes that, following the July 31, 2025 decision, the Board and 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 July 31, 2025, for failure to complete a Form EN-1032, as requested.

## **FACTUAL HISTORY**

On August 11, 2004 appellant, then a 58-year-old mail handler, filed an occupational disease claim (Form CA-2) alleging that her bilateral carpometacarpal (CMC) joint arthritis had been aggravated by factors of her federal employment, including repetitive use of her hands, fingers, and wrists. OWCP accepted the claim for aggravation of bilateral thumb CMC joint arthritis. It paid appellant wage-loss compensation on the supplemental rolls effective January 1, 2005, and on the periodic rolls effective May 11, 2008.

By letter dated May 13, 2025, OWCP informed appellant that federal regulations, at 20 C.F.R. § 10.528, 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.

On June 10, 2025 OWCP received a partially completed Form EN-1032 dated May 21, 2025.

By letter dated June 25, 2025, OWCP informed appellant that federal regulations, at 20 C.F.R. § 10.528, required her to answer all "yes" or "no" questions and if it did not require a "yes" or "no" and did not apply, indicate with "N/A," not applicable. It informed her of the questions to which she did not respond and 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 July 31, 2025, OWCP suspended appellant's wage-loss compensation benefits, effective that date, due to her failure to submit the fully completed 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>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

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<sup>3</sup> *Id.* at § 8106(b)

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>

### ANALYSIS

The Board finds that OWCP properly suspended appellant's wage-loss compensation benefits, effective July 31, 2025, for failure to complete a Form EN-1032, as requested.

On June 25, 2025 OWCP provided appellant with a Form EN-1032, noting that the returned Form EN-1032 received on June 10, 2025 had been partially completed. It advised her that, if she did not completely fully answer all of the questions and return the form within 30 days, her benefits would be suspended. The record reflects that OWCP properly mailed the letter 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 a fully completed 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>8</sup> Thus, the Board finds that OWCP properly suspended appellant's compensation benefits, effective July 31, 2025, pursuant to 20 C.F.R. § 10.528.<sup>9</sup>

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<sup>4</sup> 20 C.F.R. § 10.528. *See S.S.*, Docket No. 25-0685 (issued August 4, 2025); *R.T.*, Docket No. 25-0204 (issued February 10, 2025); *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).

<sup>5</sup> 20 C.F.R. § 10.525; *id.*; *C.G.*, Docket No. 24-0210 (issued August 27, 2024); *D.W.*, Docket No. 23-0877 (issued November 13, 2023).

<sup>6</sup> *S.S.*, *supra* note 4; *R.T.*, *supra* note 4; *C.B.*, *supra* note 4; *A.S.*, *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.*

<sup>8</sup> *Supra* note 4.

<sup>9</sup> *R.T.*, *supra* note 4; *see 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).

**CONCLUSION**

The Board finds that OWCP properly suspended appellant's wage-loss compensation benefits, effective July 31, 2025, for failure to complete the Form EN-1032, as requested.

**ORDER**

**IT IS HEREBY ORDERED THAT** the July 31, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: September 18, 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