

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

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A.F., Appellant)				
)				
and)				
)	Docket No. 26-0081			
)	Issued: February 11, 2026			
U.S. POSTAL SERVICE, WAKEFIELD STATION, Bronx, NY, Employer)				
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Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
ALEC J. KOROMILAS, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On November 11, 2025 appellant filed a timely appeal from a September 12, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act¹ (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.²

ISSUE

The issue is whether OWCP properly suspended appellant's wage-loss compensation benefits, effective September 12, 2025, for failure to complete a Form EN-1032, as requested.

¹ 5 U.S.C. § 8101 *et seq.*

² The Board notes that following the September 12, 2025 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.*

FACTUAL HISTORY

On August 29, 1995 appellant, then a 40-year-old letter carrier, filed a traumatic injury claim (Form CA-1) alleging that on August 28, 1995 she sustained back, wrist, neck, and head injuries when she slipped and fell descending stairs while in the performance of duty. She stopped work on August 29, 1995, and returned to full-time limited-duty work on October 10, 1995. By decision dated June 5, 1996, OWCP accepted the claim for cervical and lumbar sprains, and right knee contusion. It paid appellant wage-loss compensation on the supplemental rolls commencing May 12, 2004, and on the periodic rolls commencing January 23, 2005.

By letter dated July 16, 2025, OWCP informed her 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. OWCP mailed the letter to appellant's last known address of record. No response was received.

By decision dated September 12, 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.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 time, OWCP will reinstate compensation retroactive to the date of suspension if the employee remains entitled to compensation.⁵

³ 5 U.S.C. § 8106(b).

⁴ 20 C.F.R. § 10.528. *D.G.*, Docket No. 25-0810 (issued September 18, 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).

⁵ *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.

ANALYSIS

The Board finds that OWCP properly suspended appellant's wage-loss compensation benefits, effective September 12, 2025, for failure to complete a Form EN-1032, as requested.

On July 16, 2025 OWCP provided appellant with a Form EN-1032. It advised her that, if she did not completely fully answer all of the questions and return the form within 30 days, her compensation 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.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 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.⁸ Thus, the Board finds that OWCP properly suspended appellant's compensation benefits, effective September 12, 2025, pursuant to 20 C.F.R. § 10.528.

CONCLUSION

The Board finds that OWCP properly suspended appellant's wage-loss compensation benefits, effective September 12, 2025, for failure to complete a Form EN-1032, as requested.

⁶ *D.G.*, *supra* note 4; *C.B.*, *supra* note 4; *A.S.*, *supra* note 4; *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.*

⁸ *Supra* note 5.

ORDER

IT IS HEREBY ORDERED THAT the September 12, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: February 11, 2026
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