

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

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<b>A.S., Appellant</b>	)	
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<b>and</b>	)	<b>Docket No. 25-0920</b>
	)	<b>Issued: January 2, 2026</b>
<b>DEPARTMENT OF VETERANS AFFAIRS,</b>	)	
<b>ANN ARBOR VA MEDICAL CENTER,</b>	)	
<b>Ann Arbor, MI, Employer</b>	)	
	)	

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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

JANICE B. ASKIN, Judge

**JURISDICTION**

On September 17, 2025, appellant filed a timely appeal from a June 5, 2025 merit decision<sup>1</sup> of the Office of Workers' Compensation Programs (OWCP).<sup>2</sup> Pursuant to the Federal Employees'

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<sup>1</sup> Appellant's application for review (AB-1 Form) indicated an appeal from a September 12, 2025 decision of OWCP. However, the Board notes that the case record as transmitted to the Board does not contain a September 12, 2025 decision of OWCP. The Board is therefore reviewing the June 5, 2025 decision, which is the only final adverse decision of OWCP over which the Board has jurisdiction. 5 U.S.C. § 8149 and 20 C.F.R. §§ 501.2(c) and 501.3(a).

<sup>2</sup> Appellant timely requested oral argument before the Board. 20 C.F.R. § 501.2(b). Pursuant to the Board's *Rules of Procedure*, oral argument may be held in the discretion of the Board. 20 C.F.R. § 501.5(a). The Board in exercising its discretion, denies appellant's request for oral argument because the arguments on appeal can adequately be addressed in a decision based on a review of the case record. Oral argument in this appeal would further delay issuance of a Board decision and not serve a useful purpose. As such, the oral argument request is denied, and this decision is based on the case record as submitted to the Board.

Compensation Act<sup>3</sup> (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.<sup>4</sup>

### **ISSUE**

The issue is whether OWCP properly suspended appellant's wage-loss compensation benefits, effective June 5, 2025, for failure to complete a financial disclosure statement (Form EN-1032), as requested.

### **FACTUAL HISTORY**

On November 11, 2023, appellant, then a 39-year-old nursing assistant, filed a traumatic injury claim (Form CA-1) alleging that, on November 10, 2023, she sustained an injury when lifting a patient to prevent him from slipping off a bed and falling onto the floor while in the performance of duty. She stopped work on November 11, 2023, and returned to work on November 15, 2023. By decision dated December 18, 2023, OWCP accepted the claim for strain of muscle, fascia, and tendon, lower back; radiculopathy, lumbar region; and sciatica, left side. It paid appellant wage-loss compensation for disability from work on the supplemental rolls from January 22 through July 13, 2024, and on the periodic rolls commencing July 14, 2024.

On December 10, 2024, OWCP informed appellant that federal regulations required her to execute an affidavit regarding any earnings received or employment performed during the previous 15 months, and that it had enclosed a Form EN-1032 for that purpose. It notified 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, pursuant to 20 C.F.R. § 10.528. OWCP mailed the notice to appellant's address of record.

On January 7, 2025, OWCP received a partially completed Form EN-1032, signed by appellant on December 11, 2024. Under "Part A -- Employment", appellant reported that she neither worked for any employer in the prior 15 months nor was she self-employed during the prior 15 months. Appellant, however, did not indicate whether she was unemployed for all periods during the past 15 months.

On February 6, 2025, OWCP notified appellant that her Form EN-1032 received on January 7, 2025 was incomplete. It requested that she return the completed form within 30 days or her benefits would be suspended pursuant to 20 C.F.R. § 10.528. OWCP mailed the form to appellant's address of record.

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

<sup>4</sup> The Board notes that, following the issuance of the June 5, 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.*

On March 20, 2025, appellant resubmitted her partially completed December 11, 2024 Form EN-1032.

By decision dated June 5, 2025, OWCP suspended appellant's wage-loss compensation benefits, effective that date, for failure to submit the completed EN-1032 form as requested. OWCP advised that, if appellant fully completed and returned an enclosed copy of the EN-1032 form, it would restore her wage-loss compensation benefits retroactive to the date of suspension.

### **LEGAL PRECEDENT**

Section 8106(b) of FECA<sup>5</sup> 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.

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 during the prior 15 months.<sup>6</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>7</sup>

### **ANALYSIS**

The Board finds that OWCP properly suspended appellant's wage-loss compensation benefits, effective June 5, 2025, for failure to complete a Form EN-1032, as requested.

On December 10, 2024, OWCP provided appellant with an EN-1032 form and notified her that federal regulations required her to answer all questions concerning her employment or earnings. It properly notified her that, if she did not completely answer all questions and return the completed form within 30 days, her benefits would be suspended.

On January 7, 2025, OWCP received an EN-1032 form, which was incomplete, as appellant reported that she was neither employed nor self-employed during the prior 15 months, but did not report whether she was unemployed for all periods during the prior 15 months.

OWCP advised appellant of the deficiencies of the form on February 6, 2025, and provided her with a new EN-1032 form for her completion within 30 days. On March 20, 2025, however, OWCP received a duplicate copy of appellant's December 11, 2024 EN-1032 form, which was only partially completed.

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<sup>5</sup> 5 U.S.C. § 8106(b).

<sup>6</sup> 20 C.F.R. § 10.528; *see P.S.*, Docket No. 23-0563 (issued October 11, 2023); *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>7</sup> *Id.*; *see also id.* at § 10.525.

Appellant was receiving wage-loss compensation and was, therefore, required to complete the EN-1032 form in a timely manner. The case record indicates that appellant failed to submit a completed EN-1032 form within 30 days of OWCP's request. Appellant's failure to file a completed EN-1032 form within 30 days required the suspension of her wage-loss compensation.<sup>8</sup> Thus, the Board finds that OWCP properly suspended her wage-loss compensation, effective June 5, 2025, pursuant to 20 C.F.R. § 10.528.

**CONCLUSION**

The Board finds that OWCP properly suspended appellant's wage-loss compensation benefits, effective June 5, 2025, for failure to complete a Form EN-1032, as requested.

**ORDER**

**IT IS HEREBY ORDERED THAT** the June 5, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: January 2, 2026  
Washington, DC

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

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

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

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<sup>8</sup> *Supra* note 6; see *H.W.*, Docket No. 23-0284 (issued March 30, 2023); *J.B.*, Docket No. 22-0162 (issued May 24, 2022); *J.M.*, Docket No. 20-1310 (issued April 21, 2021); *R.C.*, Docket No. 12-135 (issued May 11, 2012).