

² The Board notes that, following the January 28, 2026 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 January 28, 2026, for failure to complete a financial disclosure statement (Form EN-1032), as requested.

FACTUAL HISTORY

On June 8, 1971 appellant, then a 25-year-old regular clerk, filed a traumatic injury claim (Form CA-1) alleging that on May 21, 1971 she sustained a back injury when she lifted a tray while in the performance of duty. She stopped work on the date of injury. OWCP accepted the claim for back strain and L4-5 herniated disc. It paid appellant wage-loss compensation effective October 22, 1971.

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

By letter dated December 8, 2025, 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 to OWCP within 30 days, or her benefits would be suspended, pursuant to 20 C.F.R. § 10.528. OWCP mailed the letter to appellant's last known address of record.

Appellant completed, signed, and returned a Form EN-1032 dated January 11, 2026, which OWCP received on January 27, 2026.

By decision dated January 28, 2026, 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 her that if she completed and returned an enclosed copy of the Form EN-1032, her compensation benefits would be restored retroactively to the date of suspension.

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

³ 5 U.S.C. § 8106(b).

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

ANALYSIS

The Board finds that OWCP improperly suspended appellant's compensation benefits, effective January 28, 2026, for failure to complete and return a Form EN-1032 as requested.

In a December 8, 2025 letter mailed to appellant's address of record, OWCP informed her that she needed to complete, sign, and return a Form EN-1032 and that failure to return the requested document within 30 days would lead to the suspension of her compensation benefits. On January 27, 2026 it received a completed and signed Form EN-1032 from appellant dated January 11, 2026. However, OWCP suspended her compensation benefits, effective January 28, 2026, for failing to respond to its December 8, 2025 request.

The Board finds that, as OWCP received appellant's completed and signed response to the December 8, 2025 request letter on January 27, 2026, OWCP's January 28, 2026 decision finding that she failed to respond and submit her completed Form EN-1032 is erroneous. Therefore, the suspension of her compensation benefits was improper.⁶ The case shall be returned to OWCP for reinstatement of appropriate compensation benefits.

CONCLUSION

The Board finds that OWCP improperly suspended appellant's compensation benefits, effective January 28, 2026, for failure to complete and return a Form EN-1032 as requested.

⁴ 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).

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.

⁶ *See Y.B.*, Docket No. 26-0135 (issued March 26, 2026); *C.S.*, Docket No. 19-0331 (issued May 24, 2019); *S.F.*, Docket No. 12-1821 (issued January 25, 2013); *W.F.*, Docket No. 11-0877 (issued March 9, 2012).

ORDER

IT IS HEREBY ORDERED THAT the January 28, 2026 decision of the Office of Workers' Compensation Programs is reversed.

Issued: July 7, 2026
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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