United States Department of Labor
Employees' Compensation Appeals Board

G.V., Appellant	)	
and	)	**Docket No. 26-0232**
U.S. POSTAL SERVICE, POST OFFICE, Melville, NY, Employer	)	**Issued: June 18, 2026**

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 January 9, 2026 appellant filed a timely appeal from a December 11, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act[1] (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

ISSUES

The issues are: (1) whether OWCP properly determined that appellant received an overpayment of compensation in the amount of $14,720.03 for the periods August 5 through September 6, 2024 and February 12 through September 6, 2025, for which he was without fault, as he concurrently received FECA wage-loss compensation and Social Security Administration (SSA) age-related retirement benefits, without an appropriate offset; (2) whether OWCP properly denied waiver of recovery of the overpayment; and (3) whether OWCP properly required recovery

[1] 5 U.S.C. § 8101 *et seq*.

of the overpayment by deducting $234.71 from appellant's continuing compensation payments, every 28 days.

FACTUAL HISTORY

On June 21, 2024 appellant, then a 69-year-old city carrier, filed a traumatic injury claim (Form CA-1) alleging that on June 20, 2024 he sustained lip, nose, and forehead injuries when he passed out in the vehicle he was operating and struck a tree while in the performance of duty. He stopped work on June 20, 2024. By decision dated December 23, 2024, OWCP accepted the claim for laceration of the head and concussion without loss of consciousness. It subsequently expanded the acceptance of the claim to include cervical ligament and left shoulder joint sprains, cervical disc displacement, and left shoulder superior glenoid labrum lesion. OWCP paid appellant wage-loss compensation on the supplemental and periodic rolls.[2]

A notification of personnel action form (Standard Form (SF)-50) dated August 20, 2025 noted that appellant's retirement coverage was under the Federal Employees Retirement System (FERS).

On July 21, 2025 OWCP requested information from SSA regarding potential dual benefits.

On a completed dual benefits form dated August 9, 2025, SSA reported that appellant received SSA age-related retirement benefits as of August 2020. It provided his SSA age-related retirement benefit rates with and without federal service. Beginning January 2024, the SSA rate with federal service was $2,742.00, and without federal service was $920.80. Beginning December 2024, its SSA rate with federal service was $2,810.50, and without federal service was $943.80.

On September 8, 2025 OWCP notified appellant that his wage-loss compensation payments would be adjusted to reflect an offset of $1,723.11 per 28-day pay period for his SSA age-related retirement benefits attributable to his federal service. Beginning September 7, 2025, it adjusted his net wage-loss compensation payments to $854.31 per 28-day pay period.

In a September 29, 2025 preliminary overpayment determination, OWCP notified appellant that he had received an overpayment of compensation in the amount of $14,720.03 for the periods August 5 through September 6, 2024 and February 12 through September 6, 2025 because he concurrently received FECA wage-loss compensation and SSA age-related retirement benefits without an appropriate offset. It provided an offset overpayment calculation, in which it used the information provided by SSA on August 9, 2025 to calculate the 28-day offset for the relevant periods. OWCP determined that during the period August 5 through September 6, 2024, appellant received an overpayment in the amount of $1,981.31 and during the period February 12 through September 5, 2025, he received an overpayment in the amount of $12,738.72, resulting in a total overpayment of $14,720.03. It further advised him of its preliminary determination that he was without fault in the creation of the overpayment. OWCP requested that appellant submit a completed overpayment recovery questionnaire (Form OWCP-20) to determine a reasonable

[2] Appellant retired from the employing establishment effective July 31, 2025.

payment method and advised her that he could request waiver of recovery of the overpayment. It further requested that he provide supporting financial documentation including copies of income tax returns, bank account statements, bills, canceled checks, pay slips, and any other records that support income and expenses. Additionally, OWCP provided an overpayment action request form and notified appellant that, within 30 days of the date of the letter, he could request a final decision based on the written evidence or a prerecoupment hearing.

On October 4, 2025 appellant requested waiver of recovery of the overpayment and a decision based on the written evidence. In a Form OWCP-20, he reported monthly income totaling $7,810.00, monthly expenses totaling $3,905.00, and assets totaling $1,000.00. No supporting financial documentation was received.

By decision dated December 11 2025, OWCP finalized the September 29, 2025 preliminary overpayment determination, finding that appellant received an overpayment of compensation in the amount of $14,720.03 for the periods August 5 through September 6, 2024, and February 12 through September 6, 2025 because he concurrently received SSA age-related retirement benefits and FECA wage-loss compensation, without an appropriate offset. It found that he was without fault in the creation of the overpayment but denied waiver of recovery of the overpayment. OWCP required recovery of the overpayment by deducting $234.71 from appellant's continuing compensation payments, every 28 days.

LEGAL PRECEDENT -- ISSUE 1

Section 8102(a) of FECA provides that the United States shall pay compensation for the disability of an employee resulting from personal injury sustained while in the performance of his or her federal employment.[3] Section 8116 limits the right of an employee to receive compensation. While an employee is receiving compensation, he or she may not receive salary, pay, or remuneration of any type from the United States.[4]

Section 10.421(d) of the implementing regulations requires that OWCP reduce the amount of compensation by the amount of any SSA age-related retirement benefits that are attributable to federal service of the employee.[5] FECA Bulletin No. 97-09 provides that FECA benefits have to be adjusted for the FERS portion of SSA benefits because the portion of the SSA benefit earned as a federal employee is part of the FERS retirement package, and the receipt of FECA benefits and federal retirement concurrently is a prohibited dual benefit.[6]

[3] *Supra* note 1 at § 8102(a).

[4] *Id.* at § 8116.

[5] 20 C.F.R. § 10.421(d); *see R.S.*, Docket No. 24-0068 (issued January 9, 2026); *T.T.*, Docket No. 20-1257 (issued July 29, 2022); *L.W.*, Docket No. 19-0787 (issued October 23, 2019); *S.M.*, Docket No. 17-1802 (issued August 20, 2018).

[6] FECA Bulletin No. 97-09 (issued February 3, 1997); *see also R.S.*, *id.*; *T.T.*, *id.*; *N.B.*, Docket No. 18-0795 (issued January 4, 2019).

ANALYSIS -- ISSUE 1

The Board finds that OWCP properly determined that appellant received an overpayment in the amount of $14,720.03, for the periods August 5 through September 6, 2024 and February 12 through September 6, 2025, for which he was without fault, because he concurrently received FECA wage-loss compensation and SSA age-related retirement benefits, without an appropriate offset.

The evidence of record indicates that appellant received both FECA wage-loss compensation and SSA age-related retirement benefits that were attributable to his federal service for the periods August 5 through September 6, 2024 and February 12 through September 6, 2025. No appropriate offset was made. As noted, a claimant cannot concurrently receive FECA wage-loss compensation and SSA age-related retirement benefits attributable to federal service for the same period.[7] Thus, the record establishes that he received an overpayment of FECA wage-loss compensation.

With regard to the amount of the overpayment, OWCP provided its calculations for each relevant period based on the information provided by SSA. The Board has reviewed OWCP's calculations for the periods August 5 through September 6, 2024 and February 12 through September 6, 2025 and finds that it properly determined that appellant received an overpayment of compensation in the amount of $14,720.03.

LEGAL PRECEDENT -- ISSUE 2

Section 8129 of FECA provides that an individual who is without fault in creating or accepting an overpayment is still subject to recovery of the overpayment unless adjustment or recovery would defeat the purpose of FECA or would be against equity and good conscience.[8] Thus, a finding that appellant was without fault does not automatically result in waiver of the overpayment. OWCP must then exercise its discretion to determine whether recovery of the overpayment would defeat the purpose of FECA or would be against equity and good conscience.[9]

Recovery of an overpayment will defeat the purpose of FECA if such recovery would cause hardship to a currently or formerly entitled beneficiary, because the beneficiary from whom OWCP seeks recovery needs substantially all of his or her current income, including compensation benefits, to meet current ordinary and necessary living expenses, and the beneficiary's assets do not exceed a specified amount as determined by OWCP.[10] An individual is deemed to meet current

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[7] *Supra* note 4. *See also D.J.,* Docket No. 26-0147 (issued March 6, 2026).

[8] *Supra* note 1 at § 8129(b).

[9] 20 C.F.R. § 10.436

[10] *Id.* at § 10.436(a)-(b). For an individual with no eligible dependents the asset base is $6,200.00. The base increases to $10,300.00 for an individual with a spouse or one dependent, plus $1,200.00 for each additional dependent. Federal (FECA) Procedure Manual, Part 6 -- Debt Management, *Final Overpayment Determinations*, Chapter 6.400.4a(2) (September 2020).

ordinary and necessary living expenses if monthly income does not exceed monthly expenses by more than $50.00.[11]

Additionally, recovery of an overpayment is considered to be against equity and good conscience when an individual who received an overpayment would experience severe financial hardship in attempting to repay the debt or when an individual, in reliance on such payment or on notice that such payments would be made, gives up a valuable right or changes his or her position for the worse.[12]

OWCP's regulations provide that the individual who received the overpayment is responsible for providing information about income, expenses, and assets as specified by OWCP.[13] This information is needed to determine whether or not recovery of an overpayment would defeat the purpose of FECA or be against equity and good conscience. The information is also used to determine the repayment schedule, if necessary.[14] Failure to submit the requested information within 30 days of the request shall result in a denial of waiver of recovery of the overpayment, and no further request for waiver shall be considered until the requested information is furnished.[15]

ANALYSIS -- ISSUE 2

The Board finds that OWCP properly denied waiver of recovery of the overpayment of compensation.

As OWCP found appellant without fault in the creation of the overpayment, waiver must be considered, and repayment is still required unless adjustment or recovery of the overpayment would defeat the purpose of FECA or be against equity and good conscience.[16] In order to establish that recovery of the overpayment would defeat the purpose of FECA, appellant must show that he requires substantially all of his income to meet current ordinary and necessary living expenses, and that his assets do not exceed the established limit as determined by OWCP procedures.[17]

Appellant submitted a completed Form OWCP-20, wherein he reported monthly income totaling $7,810.00, monthly expenses totaling $3,905.00, and assets totaling $1,000.00. As his total monthly income exceeded his total monthly expenses by more than $50.00, he has not shown that he needs substantially all of his current income to meet current ordinary and necessary living

[11] *Id.* at Chapter 6.400.4.a(3); *see also B.M.*, Docket No. 23-0891 (issued January 30, 2024); *N.J.*, Docket No. 19-1170 (issued January 10, 2020); *M.A.*, Docket No. 18-1666 (issued April 26, 2019).

[12] *Supra* note 9 at § 10.437(a)-(b).

[13] *Id.* at § 10.438(a).

[14] *Id.*; *M.S.*, Docket No. 18-0740 (issued February 4, 2019).

[15] *Id.* at § 10.438(b); *see G.S.*, Docket No. 20-1580 (issued March 19, 2021).

[16] *See D.J., supra* note 7; *J.R.,* Docket No. 17-0181 (issued August 12, 2020); *L.S.*, 59 ECAB 350 (2008).

[17] *Supra* note 9.

expenses.[18] Consequently, he has not demonstrated that recovery of the overpayment would defeat the purpose of FECA.

The Board also finds that appellant has not contended that he was entitled to waiver on the basis that recovery of the overpayment would be against equity and good conscience. Because appellant has not established that recovery of the overpayment would defeat the purpose of FECA or be against equity and good conscience, the Board finds that OWCP properly denied waiver of recovery of the overpayment.

LEGAL PRECEDENT -- ISSUE 3

The Board's jurisdiction over recovery of an overpayment is limited to reviewing those cases where OWCP seeks recovery from continuing compensation under FECA.[19]

Section 10.441 of OWCP's regulations[20] provides in pertinent part that, when an overpayment has been made to an individual who is entitled to further payments, the individual shall refund to OWCP the amount of the overpayment as soon as the error is discovered or his or her attention is called to the same. If no refund is made, OWCP shall decrease later payments of compensation, taking into account the probable extent of future payments, the rate of compensation, the financial circumstances of the individual, and any other relevant factors, so as to minimize any hardship.[21]

ANALYSIS -- ISSUE 3

The Board finds that OWCP properly required recovery of the overpayment by deducting $234.71 from appellant's continuing compensation payments, every 28 days.

OWCP's procedures provide that, in instances where the claimant fails to provide the requested financial information, OWCP should set the rate of recovery at 25 percent of the 28-day net compensation amount until the balance of the overpayment is paid in full.[22] Appellant completed the Form OWCP-20, but did not provide financial documentation to support his reported income and expenses. The Board therefore finds that OWCP properly required recovery of the $14,720.03 overpayment at the rate by deducting $234.71 from his continuing compensation payments every 28 days.

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[18] *C.B.,* Docket No. 25-0246 (issued February 19, 2025); *M.R.,* Docket No. 20-1622 (issued June 30, 2021); *L.D.,* Docket No. 18-1317 (issued April 17, 2019); *William J. Murphy,* 41 ECAB 569, 571-72 (1989).

[19] *Id.* at § 10.441; *see M.P.*, Docket No. 18-0902 (issued October 16, 2018).

[20] *Id.* at § 10.441(a).

[21] *Id.*; *see C.M.*, Docket No. 19-1451 (issued March 4, 2020).

[22] Federal (FECA) Procedure Manual, Part 6 -- Debt Management, *Debt Liquidation*, Chapter 6.500.8c(1) (September 2018).

CONCLUSION

The Board finds that appellant received an overpayment of compensation in the amount of $14,720.03 for the periods August 5 through September 6, 2024 and February 12 through September 6, 2025, for which he was without fault, as he concurrently received FECA wage-loss compensation and SSA age-related retirement benefits, without an appropriate offset. The Board further finds that OWCP properly denied waiver of recovery of the overpayment and properly required recovery of the overpayment by deducting $234.71 from his continuing compensation payments, every 28 days.

ORDER

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

Issued: June 18, 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