

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 of the overpayment by deducting \$500.00 from appellant's continuing compensation payments, every 28 days.

FACTUAL HISTORY

On April 12, 2024 appellant, then a 62-year-old distribution clerk, filed an occupational disease claim (Form CA-2) alleging that she injured her left shoulder due to factors of her federal employment, including repetitive pushing, throwing, lifting, and tossing packages into hampers. She noted that she first became aware of her condition on April 1, 2024, and realized its relationship to her federal employment on April 11, 2024. Appellant stopped work on April 1, 2024. OWCP accepted the claim for strain and tear of the left rotator cuff. On August 9, 2024 it paid appellant wage-loss compensation on the supplemental rolls from May 1 through 3, 2024, and June 5 through July 13, 2024. OWCP thereafter paid appellant on the periodic rolls effective July 14, 2024.

The case record indicates that appellant's retirement coverage is under the Federal Employees Retirement System (FERS).

On May 19, 2025 OWCP requested information from SSA regarding potential dual benefits.

OWCP thereafter received a completed dual benefits form from SSA dated May 20, 2025. The form indicated that appellant received SSA age-related retirement benefits as of March 2024 and provided her SSA age-related retirement benefit rates with and without federal service. Beginning March 2024, the SSA rate with federal service was \$2,108.30, and without federal service was \$259.20. Beginning December 2024, the SSA rate with federal service was \$2,161.00, and without federal service was \$265.60. Beginning January 2025, the SSA rate with federal service was \$2,161.00, and without federal service was \$265.60.

On June 18, 2025 OWCP notified appellant that her wage-loss compensation payments would be adjusted to reflect an offset of \$1,749.60 per 28-day pay period for her SSA age-related retirement benefits attributable to her federal service. Beginning June 15, 2025, it adjusted her net wage-loss compensation to \$2,207.73 per 28-day pay period.

In an August 19, 2025 preliminary overpayment determination, OWCP notified appellant that she had received an overpayment of compensation in the amount of \$18,545.66 for the periods May 1 through 3, 2024 and June 15, 2024 through April 8, 2025 because she 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 May 20, 2025 to calculate the 28-day offset for the relevant periods. OWCP determined that during the period May 1 through 3, 2024, appellant received an overpayment in the amount of \$182.88; during the period June 15 through November 30, 2024, she received an overpayment in the amount of \$10,302.12; and during the period December 1, 2024 through April 8, 2025, she received an overpayment in the amount of \$8,060.66. It further advised her of its preliminary determination that she was without fault in the creation of the overpayment and requested that she complete an overpayment action request form. OWCP further requested that appellant submit an overpayment recovery questionnaire (Form OWCP-20), and supporting financial documentation,

including copies of income tax returns, bank account statements, bills, canceled checks, pay slips, and any other records to support income and expenses. Additionally, it notified her that she could request a final decision based on the written evidence or a prerecoupment hearing within 30 days.

On September 2, 2025 appellant requested waiver of recovery of the overpayment and a decision on the written evidence. In a completed Form OWCP-20, she reported monthly income totaling \$3,311.00. Appellant also reported total monthly expenses of \$3,425.00 and assets totaling \$4,200.00. She attached bank statements dated May 14, 2024 through July 15, 2025, which indicated that she received no deposits from SSA from May 2024 through February 2025, followed by deposits of \$4,322.00 on March 20, 2025, \$2,161.00 on April 8, 2025, \$2,161.00 on May 14, 2025, \$12,439.00 on June 6, 2025, and \$2,161.00 on June 11, 2025.³

On September 30, 2025 OWCP requested additional financial documentation from appellant. It noted that the June 6, 2025 deposit from SSA in the amount of \$12,439.00 was “presumably for retroactive benefits.”

On November 3, 2025 appellant submitted additional financial documentation and updated bank statements dated June 3 through November 1, 2025.

By decision dated November 17, 2025, OWCP finalized the August 19, 2025 preliminary overpayment determination, finding that appellant received an overpayment of compensation in the amount of \$18,545.66 for the periods May 1 through 3, 2024, and June 15, 2024 through April 8, 2025 because she concurrently received SSA age-related retirement benefits and FECA wage-loss compensation, without an appropriate offset. It found that she was without fault in the creation of the overpayment but denied waiver of recovery of the overpayment because her monthly income exceeded her monthly expenses by more than \$50.00. OWCP noted that the financial information submitted by appellant demonstrated that she had \$5,553.57 in monthly income, \$3,828.64 in monthly expenses, and assets totaling \$4,200.00. It required recovery of the overpayment by deducting \$500.00 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 or death of an employee resulting from personal injury sustained while in the performance of his or her duty.⁴ 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.⁵

Section 10.421(d) of OWCP’s implementing regulations requires that OWCP reduce the amount of compensation by the amount of any SSA age-related retirement benefits that are

³ Appellant’s bank records also listed income/deposits from the Division of Federal Employees’ Compensation (DFEC) and Goldman Sachs, which she did not include on the form OWCP-20.

⁴ 5 U.S.C. § 8102(a).

⁵ *Id.* at § 8116.

attributable to the employee's federal service.⁶ FECA Bulletin No. 97-09 states 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.⁷

ANALYSIS -- ISSUE 1

The Board finds that OWCP properly determined that appellant received an overpayment of compensation.

The evidence of record indicates that while appellant was receiving wage-loss compensation benefits under FECA, she was also receiving SSA age-related retirement benefits that were attributable to her federal service, without an appropriate offset. A claimant cannot concurrently receive FECA wage-loss compensation and SSA age-related retirement benefits attributable to federal service for the same period.⁸ Consequently, fact of overpayment has been established.⁹

The Board further finds, however, that this case is not in posture for decision regarding the period(s) and amount of the overpayment.

To determine the amount of the overpayment, the portion of the SSA age-related retirement benefits that were attributable to federal service must be calculated. OWCP received a dual benefits calculation form from SSA, which provided rates with and without FERS beginning March 2024 and December 2024. Based upon that information, OWCP determined that appellant received prohibited dual benefits resulting in an overpayment in the amount of \$18,545.66 for the periods May 1 through 3, 2024 and June 15, 2024 through April 8, 2025. The record reflects, however, that OWCP did not initiate payment of wage-loss compensation to appellant until August 9, 2024. Additionally, appellant alleged that she received no deposits from SSA between May 2024 and February 2025. Therefore, it remains unclear whether OWCP properly determined the period(s) and the amount of the overpayment.¹⁰

Accordingly, the Board finds that the case must be remanded to OWCP. On remand OWCP shall obtain from SSA the date of issuance and amount of age-related retirement benefits for the relevant period(s). It shall then determine the proper period(s) and amount of the overpayment of compensation and issue a new preliminary overpayment determination, with an overpayment action request form, a Form OWCP-20, and instructions for appellant to provide

⁶ 20 C.F.R. § 10.421(d); *see S.M.*, Docket No. 17-1802 (issued August 20, 2018); *L.J.*, 59 ECAB 264 (2007).

⁷ FECA Bulletin No. 97-09 (issued February 3, 1997); *see also N.B.*, Docket No. 18-0795 (issued January 4, 2019).

⁸ *M.R.*, Docket No. 20-0427 (issued October 30, 2020). *See also N.B., id.; A.C.*, Docket No. 18-1550 (issued February 21, 2019).

⁹ *See K.H.*, Docket No. 18-0171 (issued August 2, 2018).

¹⁰ *See G.R.*, Docket No. 21-0209 (issued December 20, 2021); *see also S.H.*, Docket No. 20-1189 (issued January 27, 2021).

supporting financial information. Following this, and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.¹¹

CONCLUSION

The Board finds that OWCP properly determined that appellant received an overpayment of compensation, for which she was without fault, because she concurrently received FECA wage-loss compensation benefits and SSA age-related retirement benefits, without an appropriate offset. The Board further finds that the case is not in posture for decision with respect to the period(s) and amount of the overpayment.

ORDER

IT IS HEREBY ORDERED THAT the November 17, 2025 decision of the Office of Workers' Compensation Programs is affirmed in part and set aside in part. The case is remanded to OWCP for further proceedings consistent with this decision of the Board.

Issued: March 5, 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

¹¹ In light of the Board's disposition regarding Issue 1, Issues 2 and 3 are rendered moot.