United States Department of Labor
Employees' Compensation Appeals Board

G.A., Appellant	)	
and	)	**Docket No. 26-0425**
	)	**Issued: September 4, 2026**
U.S. POSTAL SERVICE, SHIRLEY POST OFFICE, Shirley, AR, Employer	)	

Appearances:
Alan J. Shapiro, Esq., for the appellant[1]
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 April 7, 2026 appellant, through counsel, filed a timely appeal from a March 20, 2026 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act[2] (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 $45,064.35, for the period July 29, 2023 through May 17, 2025, for which he was without fault, because he concurrently received FECA wage-

[1] In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

[2] 5 U.S.C. § 8101 *et seq.*

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 of the overpayment by deducting $369.20 from appellant's compensation payments every 28 days.

FACTUAL HISTORY

On August 9, 2023 appellant, then a 67-year-old rural carrier, filed an occupational disease claim (Form CA-2) alleging that he sustained an injury to his left hand/wrist due to factors of his federal employment, including operating a postal vehicle. He noted that he first became aware of his condition on June 1, 2021 and realized its relation to his federal employment on July 17, 2023. Appellant stopped work on July 17, 2023. OWCP initially accepted the claim for bilateral primary osteoarthritis of the first carpometacarpal (CMC) joints and primary osteoarthritis of the left wrist. It paid appellant wage-loss compensation for disability from work on the supplemental rolls effective July 29, 2023, and on the periodic rolls effective October 8, 2023.[3]

On October 10, 2023 OWCP expanded the acceptance of the claim to include bilateral carpal tunnel syndrome.

On April 30, 2025 OWCP received a FERS/SSA dual benefits form, completed by the SSA on that date. SSA provided his age-related retirement benefit rates with and without federal service. Beginning January 2023 the SSA rate with federal service was $2,069.10 and without federal service was $77.20; beginning December 2023 the SSA rate with federal service was $2,135.20 and without federal service was $79.60; beginning January 2024 the SSA rate with federal service was $2,158.10 and without federal service was $79.60; and beginning December 2024 the SSA rate with federal service was $2,212.10 and without federal service was $81.50.

On May 28, 2025 OWCP prepared a compensation adjustment sheet listing the amounts of FECA wage-loss compensation paid to appellant for various periods beginning in 2023, *i.e.*, payments made without the required FERS offsets, and the amounts of wage-loss compensation payments that should have been made to him if the required FERS offsets had been applied. The compensation adjustment sheet identified the difference between these amounts for each period and indicated that an overpayment of compensation in the amount of $45,064.35 was created.

On May 30, 2025 OWCP advised appellant that it had been informed that he had been receiving SSA age-related retirement benefits since January 1, 2020 and that the SSA had confirmed that a portion of his SSA benefits were attributed to his federal service as an employee under a retirement program subject to offset. It advised him that, effective May 18, 2025, it had adjusted his FECA wage-loss compensation to offset the portion of his SSA age-related retirement benefits attributable to his federal service.

On June 3, 2025 OWCP issued a preliminary overpayment determination that appellant received an overpayment of compensation in the amount of $45,064.35 for the period July 29,

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

2023 through May 17, 2025, as he concurrently received SSA age-related retirement benefits attributable to his federal service and FECA wage-loss compensation, without an appropriate offset. Based on the May 28, 2025 compensation adjustment sheet, it provided calculations of the amounts of wage-loss compensation he should have received if the appropriate FERS offsets had been applied. OWCP indicated that, from July 29 through November 30, 2023, appellant received an overpayment of $8,208.39; from December 1 through 31, 2023 he received an overpayment of $2,100.78; from January 1 through November 30, 2024 appellant received an overpayment of $22,954.92; and from December 1, 2024 through May 17, 2025 he received an overpayment of $11,800.26. It advised that the total of these overpayment amounts was $45,064.35. OWCP also made a preliminary determination that appellant was without fault in the creation of the overpayment. It requested that he submit a completed overpayment recovery questionnaire (Form OWCP-20), to determine a reasonable rate of recovery, and advised him that he could request waiver of recovery of the overpayment. OWCP further requested that appellant submit financial documentation, including copies of income tax returns, bank account statements, bills and canceled checks, pay slips, and other records in order to support income and expenses. Additionally, it provided an overpayment action request form and notified him 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 June 6, 2025 OWCP received an overpayment action request form, signed on June 6, 2025, in which appellant requested waiver of recovery of the overpayment. Appellant also requested a prerecoupment hearing before a representative of OWCP's Branch of Hearings and Review. OWCP subsequently received a completed Form OWCP-20, signed on June 27, 2025, wherein appellant reported monthly income totaling $4,153.01. Appellant reported monthly expenses totaling $6,021.15, and assets totaling $3,185.00, noting that he had no dependents. He submitted bills for utilities and telephone service, and a statement of SSA benefits he received.

During the December 30, 2025 prerecoupment hearing, appellant testified that he received $3,012.99 in income each month, comprised of SSA benefits and FECA benefits. He further testified that this amount did not include his spouse's monthly income. Appellant indicated that he needed more time to provide information regarding his exact monthly expenses and OWCP's hearing representative requested that he submit information regarding his monthly expenses and his spouse's monthly income.

OWCP subsequently received financial information including statements for appellant's utilities, telephone service, television service, car payments, car insurance, pharmacy purchases, and minimum credit card payments.

By decision dated March 20, 2026, OWCP's hearing representative finalized the preliminary overpayment determination finding that appellant received an overpayment of compensation in the amount of $45,064.35, for the period July 29, 2023 through May 17, 2025, because he concurrently received FECA wage-loss compensation and SSA age-related retirement benefits without an appropriate offset. The hearing representative also finalized the preliminary determination that he was without fault in the creation of the overpayment but denied waiver of recovery. The hearing representative required recovery of the overpayment by deducting $369.20 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] However, section 8116 also 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] When an overpayment has been made to an individual because of an error of fact or law, adjustment shall be made under regulations prescribed by the Secretary of Labor by decreasing later payments to which the individual is entitled.[6]

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 attributable to the employee's federal service.[7] 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.[8]

ANALYSIS -- ISSUE 1

The Board finds that OWCP properly determined that appellant received an overpayment of compensation in the amount of $45,064.35, for the period July 29, 2023 through May 17, 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.

On April 30, 2025 SSA provided a completed dual benefits form reporting that appellant had been in receipt of SSA age-related retirement benefits since January 2020. The case record, however, shows that appellant concurrently received FECA wage-loss compensation and SSA age-related retirement benefits attributed to his federal service for the period July 29, 2023 through May 17, 2025. No appropriate offset was made. As noted, a claimant cannot receive both compensation for wage loss under FECA and SSA age-related retirement benefits attributable to federal service for the same period.[9] Accordingly, the Board finds that fact of overpayment has been established.

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[4] 5 U.S.C. § 8102.

[5] *Id.* at § 8116.

[6] *Id.* at § 8129(a).

[7] 20 C.F.R. § 10.421(d); *see G.V.*, Docket No. 26-0232 (issued June 18, 2026); *B.W.,* Docket No. 21-0277 (issued May 6, 2022); *R.R.,* Docket No. 19-0104 (issued March 9, 2020); *T.B.,* Docket No. 18-1449 (issued March 19, 2019); *L.J.,* 59 ECAB 264 (2007).

[8] FECA Bulletin No. 97-09 (issued February 3, 1997); *see also L.V.*, Docket No. 26-0301 (issued May 29, 2026); *N.B.*, Docket No. 18-0795 (issued January 4, 2019).

[9] *Id. See also P.W.*, Docket No. 26-0468 (issued July 28, 2026).

With regard to the amount of the overpayment, OWCP provided its calculation of the amount that it should have offset during the period appellant concurrently received FECA wage-loss compensation and SSA age-related retirement benefits, July 29, 2023 through May 17, 2025, based on the SSA dual benefits form. The calculation identified an overpayment in the amount of $45,064.35.

The Board has reviewed OWCP's calculation of FECA wage-loss compensation and SSA age-related retirement benefits received by appellant for the period July 29, 2023 through May 17, 2025 and finds that an overpayment of compensation in the amount of $45,064.35 was created.[10]

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.[11] 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.[12]

Recovery of an overpayment would defeat the purpose of FECA if such recovery would cause hardship 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, also, if the beneficiary's assets do not exceed a specified amount as determined by OWCP.[13] 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.[14]

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. 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

[10] *See O.S.,* Docket No. 26-0418 (issued July 20, 2026); *M.M.,* Docket No. 23-0129 (issued May 19, 2023); *K.W.,* Docket No. 20-1169 (issued April 7, 2021); *W.C.,* Docket No. 20-1241 (issued February 9, 2021).

[11] 5 U.S.C. § 8129(a)-(b).

[12] *See C.T.,* Docket No. 25-0666 (issued June 3, 2026); *D.H.,* Docket No. 19-0384 (issued August 12, 2019); *V.H.,* Docket No. 18-1124 (issued January 16, 2019); *L.S.,* 59 ECAB 350 (2008).

[13] 20 C.F.R. § 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*, Chapter 6.400.4a(2) (September 2020).

[14] *Id.* at § 10.437(a)-(b).

used to determine the repayment schedule, if necessary.[15] Failure to submit the requested information within 30 days of the request will result in a denial of waiver of recovery, and no further request for waiver shall be considered until the requested information is furnished.[16]

ANALYSIS -- ISSUE 2

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

As OWCP found appellant without fault in the creation of the overpayment, waiver must be considered, and repayment is still required unless adjustment of recovery of the overpayment would defeat the purpose of FECA or be against equity and good conscience.[17] 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's procedures.[18]

Appellant submitted a Form OWCP-20 in June 2025 wherein he reported monthly income totaling $4,153.01 and monthly expenses totaling $6,021.15. He submitted only limited supporting financial documentation at that time. After the December 30, 2025 prerecoupment hearing, he submitted additional financial information. However, appellant did not respond to the request of OWCP's hearing representative to submit information regarding his spouse's income. Therefore, appellant has not established his need for substantially all his monthly income to meet current and ordinary living expenses.[19]

The Board finds that appellant has not established that recovery of the overpayment would be against equity and good conscience because it has not been shown that he would experience severe financial hardship in attempting to repay the debt, or that a valuable right had been relinquished, or that a position had been changed for the worse in reliance on the payment, which created the overpayment.[20]

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.[21]

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[15] *Id*. at § 10.438(a).

[16] *Id.* at § 10.438(b).

[17] 5 U.S.C. § 8129.

[18] *See D.J.,* Docket 26-0147 (issued March 6, 2026).

[19] *See J.F.,* Docket No. 24-0054 (issued May 28, 2026).

[20] *See J.F, id*.; *L.D.,* Docket No. 18-1317 (issued April 17, 2019); *William J. Murphy,* 41 ECAB 569, 571-72 1989).

[21] *See supra* note 13. *See also D.M*., Docket No. 24-0502 (issued March 12, 2026).

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.[22]

Section 10.441 of Title 20 of the Code of Federal Regulations provides that if an overpayment of compensation has been made to one entitled to future payments, proper adjustment shall be made by decreasing subsequent 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."[23] When an individual fails to provide the requested information on income, expenses and assets, OWCP should follow minimum collection guidelines, which state in general that government claims should be collected in full and that, if an installment plan is accepted, the installments should be large enough to collect the debt promptly.[24] OWCP's procedures provide that, in these instances, 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.[25]

ANALYSIS -- ISSUE 3

The Board finds that OWCP properly required recovery of the overpayment by deducting $369.20 from appellant's compensation payments, every 28 days.

In determining whether appellant could repay the overpayment by deducting from his continuing compensation payments, OWCP took into account the factors set forth in 20 C.F.R. § 10.441 and found that this method of recovery would minimize any resulting hardship, not necessarily eliminate it, while at the same time liquidating the debt in a reasonably prompt fashion.[26] Thus, the Board finds that OWCP properly required recovery of the overpayment by deducting $369.20 from appellant's continuing compensation payments, every 28 days.

CONCLUSION

The Board finds that appellant received an overpayment of compensation in the amount of $45,064.35, for the period July 29, 2023 through May 17, 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 Board further finds that OWCP properly

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[22] 20 C.F.R. § 10.441; *P.H.*, Docket No. 24-0255 (issued November 17, 2025); *M.P.*, Docket No. 18-0902 (issued October 16, 2018); *Albert Pinero*, 51 ECAB 310 (2000); *Lorenzo Rodriguez*, 51 ECAB 295 (2000).

[23] *Id.* at § 10.441(a).

[24] *J.J.,* Docket No. 25-0778 (issued December 2, 2025); *R.O.,* Docket No. 18-0076 (issued August 3, 2018); *Gail M. Roe,* 47 ECAB 268 (1995).

[25] *See* Federal (FECA) Procedure Manual, Part 6 -- Debt Management, *Debt Liquidation,* Chapter 6.500.8c(1) (September 2018); *D.H.*, Docket No. 20-1064 (issued December 14, 2020); *M.S.*, Docket No. 18-0740 (issued February 4, 2019).

[26] *See C.S.,* Docket No. 23-0587 (issued July 9, 2025); *J.B.,* Docket No. 24-0876 (issued September 26, 2024); *L.F.,* Docket No. 15-0489 (issued May 11, 2015).

denied waiver of recovery of the overpayment and required recovery of the overpayment by deducting $369.20 from appellant's compensation payments every 28 days.

ORDER

IT IS HEREBY ORDERED THAT the March 20, 2026 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: September 4, 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