United States Department of Labor
Employees' Compensation Appeals Board

R.A., Appellant	)	
and	)	**Docket No. 26-0548**
	)	**Issued: September 10, 2026**
U.S. POSTAL SERVICE, CHANTILLY POST OFFICE, Chantilly, VA, Employer	)	

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
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On May 19, 2026 appellant filed a timely appeal from November 25 and December 5, 2025 merit decisions 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.[2]

ISSUES

The issues are: (1) whether appellant received an overpayment of compensation in the amount of $9,808.15, for the period November 3, 2024 through September 6, 2025, for which he was without fault, because he concurrently received FECA wage-loss compensation and Social

[1] 5 U.S.C. § 8101 *et seq.*

[2] The Board notes that, following the December 5, 2025 decision, appellant submitted additional evidence to OWCP. However, the Board's *Rules of Procedures* 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.*

Security Administration (SSA) age-related retirement benefits, without an appropriate offset; (2) whether OWCP properly denied waiver of recovery of the overpayment; (3) whether OWCP properly required recovery of the overpayment by deducting $938.84 from appellant's continuing compensation payments every 28 days; and (4) whether OWCP properly suspended appellant's wage-loss compensation benefits, effective December 5, 2025, for failure to submit a completed financial disclosure statement (Form EN-1032), as requested.

FACTUAL HISTORY

This case has previously been before the Board on a different issue.[3] The facts and circumstances of the case as set forth in the Board's prior decision are incorporated herein by reference. The relevant facts are as follows.

On August 9, 2014 appellant, then a 57-year-old rural carrier associate, filed a traumatic injury claim (Form CA-l) alleging that on that date he sustained neck, back, and left shoulder injuries when he loaded trays of mail into his long-life vehicle while in the performance of duty. He stopped work on August 9, 2014. OWCP accepted the claim for a rotator cuff tear of the right shoulder.[4] It paid appellant wage-loss compensation for disability from work on the supplemental rolls, effective October 4, 2014. He retired effective November 2, 2022, and subsequently received retirement benefits.[5]

In a form signed on July 25, 2024, appellant elected to receive FECA compensation benefits in lieu of Office of Personnel Management retirement benefits. Payment documents of record demonstrate that he resumed receiving FECA compensation benefits effective November 3, 2024.

OWCP periodically requested that appellant submit Form EN-1032 which solicited information about his employment, volunteer work, dependent(s) status, receipt of other federal benefits and/or payments, and third-party settlements. In an April 15, 2025 letter, it notified him that federal regulations required him to execute an affidavit relative to any earnings/income or employment during the previous 15 months and that a Form EN-1032 was enclosed for that purpose. OWCP advised appellant that he must answer all the questions on the enclosed Form EN-1032 and return it within 30 days of the date of the letter or his benefits would be suspended pursuant to 20 C.F.R. § 10.528. It mailed the letter to his last known address of record.

On May 16, 2025 OWCP received a Form EN-1032, signed by appellant on May 4, 2025. In response to the question of whether, in the past 15 months, he or an attorney acting on his behalf filed a suit or any type of claim (insurance, legal, or otherwise) against a third party in

[3] Docket No. 23-0483 (issued December 26, 2023).

[4] OWCP assigned the present claim OWCP File No. xxxxxx432. Under OWCP File No. xxxxxx791, OWCP accepted a January 26, 2011 traumatic injury resulting in sprain of the right elbow and forearm, ulnar collateral ligament; lumbar sprain; synovitis/tenosynovitis of the right elbow; and July 26, 2011 right elbow surgical repair. It administratively combined OWCP File Nos. xxxxxx791 and xxxxxx432, with the latter serving as the master file.

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

connection with an injury or illness for which he received compensation, he responded that the question was not applicable ("N/A") rather than responding "Yes" or "No" as requested.

In a June 12, 2025 letter, OWCP advised appellant that he had not properly completed the Form EN-1032 submitted on May 16, 2025, noting that in response to the question regarding whether he, or an attorney acting on his behalf, filed a suit or any type of claim against a third party in connection with an injury or illness for which he received compensation, he improperly responded with an "N/A" rather than a "Yes" or "No." It requested that he submit a properly completed Form EN-1032 within 30 days. OWCP afforded appellant 30 days to submit the new form.

On July 7, 2025 OWCP received a Form EN-1032, signed by appellant on June 27, 2025. In response to the question of whether he or an attorney acting on his behalf filed a suit or any type of claim against a third party in connection with an injury or illness for which he received compensation, he again responded "N/A" rather than responding "Yes" or "No" as requested on the form and in the June 12, 2025 letter.

On August 10, 2025 OWCP received a FERS/SSA dual benefits form completed by SSA on that date, which indicated that appellant received SSA age-related retirement benefits that were attributable to federal service commencing October 2023. SSA provided his age-related retirement benefit rates with and without federal service. Beginning October 2023, the SSA rate with federal service was $2,054.80 and without federal service was $1,139.60; beginning December 2023, the SSA rate with federal service was $2,120.50 and without federal service was $1,176.00; and beginning December 2024, the SSA rate with federal service was $2,173.50 and without federal service was $1,205.40.

On September 9, 2025 OWCP calculated the amount of FECA compensation benefits appellant received for the period November 3, 2024 through September 6, 2025, as well as the FERS offset rates applicable for this period based on the documentation provided by SSA.

On September 9, 2025 OWCP advised appellant that it was adjusting his wage-loss compensation to offset the portion of his SSA age-related retirement benefits attributable to his federal service. It informed him that the portion of SSA benefits that he earned as a federal employee was part of the FERS retirement package and that FECA did not allow the simultaneous receipt of workers' compensation and federal retirement benefits.

On September 11, 2025 OWCP notified appellant of its preliminary overpayment determination that he received an overpayment of compensation in the amount of $9,808.15, for the period November 3, 2024 through September 6, 2025, because he concurrently received SSA age-related retirement benefits attributable to his federal service and FECA wage-loss compensation, without an appropriate offset.[6] It further advised appellant of its preliminary determination that he was without fault in the creation of the overpayment. OWCP requested

[6] Based on payment records and calculations incorporating the FERS offset figures from SSA, OWCP determined that he received an overpayment in the amount of $871.85 for the period November 3 through 30, 2024; and an overpayment in the amount of $8,936.30 for the period December 1, 2024 through September 6, 2025. Thus, the total amount of the overpayment was determined to be $9,808.15.

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. It further requested that appellant provide financial documentation, including copies of income tax returns, bank account statements, bills, canceled checks, pay slips, and other records in order to support income and expenses. OWCP advised him that it would deny waiver of recovery if he failed to furnish the requested financial information within 30 days. Additionally, it 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. No response was received.

By decision dated November 25, 2025, OWCP finalized the preliminary overpayment determination finding that appellant received an overpayment of compensation in the amount of $9,808.15, for the period November 3, 2024 through September 6, 2025, because he concurrently received FECA wage-loss compensation and SSA age-related retirement benefits, without an appropriate offset. It further found that he was without fault in the creation of the overpayment, but denied waiver of recovery. OWCP required recovery of the overpayment by deducting $938.84 from appellant's continuing compensation payments, every 28 days.[7]

By decision dated December 5, 2025, OWCP suspended appellant's wage-loss compensation benefits, effective that date, due to his failure to submit a properly completed Form EN-1032, as requested. It advised that, if he properly completed and returned an enclosed copy of the Form EN-1032, it would reinstate his wage-loss compensation benefits retroactive to the date of suspension.

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.[8] 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.[9] 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.[10]

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

[7] The Board noes that appellant's 28-day net compensation payment amount at the time of OWCP's November 25, 2025 final overpayment determination was $3,755.37.

[8] 5 U.S.C. § 8102.

[9] *Id.* at § 8116.

[10] *Id.* at § 8129(a).

attributable to the employee's federal service.[11] 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.[12]

ANALYSIS -- ISSUE 1

The Board finds that OWCP properly determined that appellant received an overpayment of compensation in the amount of $9,808.15, for the period November 3, 2024 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.

On August 10, 2025 the SSA provided a completed dual benefits form showing that appellant was in receipt of SSA age-related retirement benefits since October 2023. The case record, however, establishes that he concurrently received FECA wage-loss compensation and SSA age-related retirement benefits for the period November 3, 2024 through September 6, 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.[13] Accordingly, the Board finds that fact of overpayment has been established.

With regard the amount of the overpayment, OWCP provided its detailed calculation of the amount that it should have offset from his FECA wage-loss compensation. The Board has reviewed OWCP's calculation and finds that an overpayment of compensation in the amount of $9,808.15 was created.[14]

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.[15] 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

[11] 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).

[12] 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).

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

[14] *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).

[15] 5 U.S.C. § 8129(a)-(b).

overpayment would defeat the purpose of FECA or would be against equity and good conscience.[16]

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.[17] 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.[18]

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 used to determine the repayment schedule, if necessary.[19] 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.[20]

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.[21]

In its preliminary overpayment determination dated September 11, 2025, OWCP explained the importance of providing the completed Form OWCP-20 and supporting financial documentation. Appellant, however, did not complete a Form OWCP-20 outlining his monthly income, monthly expenses, and assets. The evidence of record is therefore insufficient to

[16] *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).

[17] 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, *Final Overpayment Determinations,* Chapter 6.400.4a(2) (September 2020).

[18] *Id.* at § 10.437(a)-(b).

[19] *Id*. at § 10.438(a).

[20] *Id.* at § 10.438(b).

[21] 5 U.S.C. § 8129.

establish that recovery of the overpayment would defeat the purpose of FECA or be against equity and good conscience.[22]

Accordingly, as appellant did not submit the information required under 20 C.F.R. § 10.438 of OWCP's regulations to determine his eligibility for waiver, the Board finds that OWCP properly denied waiver of recovery of the overpayment compensation.

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.[23]

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."[24] 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.[25] 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.[26]

ANALYSIS -- ISSUE 3

The Board finds that OWCP properly required recovery of the overpayment by deducting $938.84 from appellant's compensation payments every 28 days.

As discussed above, appellant did not provide supporting financial information as requested. OWCP's regulations provide that the overpaid individual is responsible for providing information about income, expenses, and assets as specified by OWCP.[27] Appellant's 28-day net compensation payment amount at the time of OWCP's November 25, 2025 final overpayment

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[22] *See L.P.,* Docket No. 26-0301 (issued May 29, 2026); *M.P.,* Docket No. 18-0902 (issued October 16, 2018).

[23] 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).

[24] *Id.* at § 10.441(a).

[25] *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).

[26] *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).

[27] 20 C.F.R. § 10.438. *See also F.B.,* Docket No. 21-0680 (issued February 23, 2022).

determination was $3,755.37. The Board notes that 25 percent of $3,755.37 is $938.84. The Board therefore finds that OWCP properly required recovery of the overpayment by deducting $938.84 from appellant's continuing compensation payments every 28 days.

LEGAL PRECEDENT -- ISSUE 4

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.[28]

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.[29] 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.[30]

ANALYSIS -- ISSUE 4

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

On April 15, 2025 OWCP provided appellant with a Form EN-1032 and notified him that federal regulations required him to complete the form and answer all questions. It properly notified him that, if he did not completely answer all questions and return the form within 30 days, his wage-loss compensation benefits would be suspended. On May 16, 2025 OWCP received a Form EN-1032, signed by appellant on May 4, 2025. In response to the question of whether, in the past 15 months, he or an attorney acting on his behalf filed a suit or any type of claim against a third party in connection with an injury or illness for which he received compensation, he responded with an "N/A" rather than a "Yes" or "No."

In a June 12, 2025 letter, OWCP advised appellant that he had not properly completed the Form EN-1032 submitted on May 16, 2025, noting that in response to the question regarding whether he or an attorney acting on his behalf filed a suit or any type of claim against a third party in connection with an injury or illness for which he received compensation, he improperly responded with an "N/A" rather than a "Yes" or "No." It requested that he submit a properly completed Form EN-1032 within 30 days. On July 7, 2025 OWCP received a Form EN-1032, signed by appellant on June 27, 2025. In response to the question of whether he or an attorney acting on his behalf filed a suit or any type of claim against a third party in connection with an

[28] 5 U.S.C. § 8106(b).

[29] 20 C.F.R. § 10.528.

[30] *Id. See A.S.,* Docket No. 25-0920 (issued January 2, 2026); *R.B.*, Docket No. 20-0176 (issued June 25, 2020); *P.M.*, Docket No. 16-0382 (issued May 19, 2016); *A.H.*, Docket No. 15-0241 (issued April 3, 2015).

injury or illness for which he received compensation, he again responded "N/A" rather than responding "Yes" or "No."

The Board finds that, appellant's response of "N/A" to the question of whether, in the past 15 months, he or an attorney acting on his behalf filed a suit or any type of claim against a third party in connection with an injury or illness for which he received compensation, was equivalent to responding "No" given the context. As appellant sufficiently responded to the April 15 and June 12, 2025 requests and submitted a completed and signed Form EN-1032 within the requisite 30 days allotted, he complied with its instructions to complete all the questions. Therefore, OWCP's December 5, 2025 decision finding that he failed to respond and submit a completed Form EN-1032 is erroneous, and the suspension of his compensation benefits was improper.[31] The case shall be returned to OWCP for reinstatement of appropriate compensation benefits.

CONCLUSION

The Board finds that appellant received an overpayment of compensation in the amount of $9,808.15, for the period November 3, 2024 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 Board further finds that OWCP properly denied waiver of recovery of the overpayment and properly required recovery of the overpayment by deducting $938.84 from appellant's compensation payments, every 28 days. The Board also finds that OWCP improperly suspended appellant's wage-loss compensation benefits, effective December 5, 2025, for failure to submit a completed Form EN-1032, as requested.

[31] *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 November 25, 2025 decision of the Office of Workers' Compensation Programs is affirmed. The December 5, 2025 decision of the Office of Workers' Compensation Programs is reversed.

Issued: September 10, 2026
Washington, DC

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

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

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