United States Department of Labor
Employees' Compensation Appeals Board

G.P., Appellant	)	
and	)	**Docket No. 26-0591**
	)	**Issued: September 18, 2026**
DEPARTMENT OF DEFENSE, NATIONAL GEOSPATIAL INTELLIGENCE AGENCY, Springfield, VA, Employer	)	

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On June 3, 2026 appellant filed a timely appeal from a March 2, 2026 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.[2]

ISSUES

The issues are: (1) whether appellant received an overpayment of compensation in the amount of $14,571.81 for the period February 1 through October 4, 2025, for which she was without fault, because she concurrently received FECA wage-loss compensation and Social

[1] 5 U.S.C. § 8101 *et seq*.

[2] The Board notes that appellant submitted additional evidence on appeal. 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.*

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 $224.18 from appellant's continuing compensation payments, every 28 days.

FACTUAL HISTORY

On January 12, 2012 appellant, then a 53-year-old multimedia specialist, filed an occupational disease claim (Form CA-2) alleging that she developed bilateral carpal tunnel due to factors of her federal employment including use of the mouse and keyboard on a repetitive basis. Appellant's supervisor noted on the reverse side of the claim form that appellant's retirement coverage was under the Federal Employees Retirement System (FERS). OWCP accepted the claim for bilateral carpal tunnel syndrome and bilateral hand and wrist tenosynovitis. It paid appellant wage-loss compensation on the supplemental rolls commencing March 7, 2012, and on and periodic rolls commencing July 1, 2012.

On September 30, 2025 OWCP provided SSA with a FERS/SSA dual benefits form.

On October 6, 2025 SSA completed the dual benefits form, reporting appellant's SSA age-related retirement benefit rates with and without federal service. Beginning February 2025, the SSA rate with federal service was $2,754.10 and without federal service was $957.30.

On October 8, 2025 OWCP adjusted appellant's wage-loss compensation payments to reflect an offset of $1,658.58 per 28-day pay period for her SSA age-related retirement benefits attributable to her federal service. It accordingly adjusted appellant's net wage-loss compensation to $5,092.66 per 28-day pay period.

On October 8, 2025 OWCP prepared a FERS offset overpayment calculation worksheet, wherein it detailed the calculation of appellant's SSA offset overpayment from February 1 through October 4, 2025. The calculation resulted in a total overpayment amount of $14,571.81.

In a preliminary overpayment determination dated December 4, 2025, OWCP notified appellant that she had received an overpayment of compensation in the amount of $14,571.81 because she concurrently received SSA age-related retirement benefits and FECA wage-loss compensation, without an appropriate offset. It further advised her of its preliminary overpayment determination that she was without fault in the creation of the overpayment. OWCP requested that appellant complete an overpayment action request form and an overpayment recovery questionnaire (Form OWCP-20) and submit supporting financial documentation including tax returns, bank account statements, bills, cancelled checks, pay slips, and other records which supported income and expenses listed. Additionally, it notified her that she could request a final decision based on the written evidence or a prerecoupment hearing within 30 days.

On December 11, 2025 appellant requested that OWCP make a decision based on a review of the written record. She contested the fact and amount of the overpayment and requested waiver of recovery of the overpayment.

Appellant also submitted a completed Form OWCP-20, wherein she reported total monthly income of $12,131.17, total monthly expenses of $17,452.20, and total assets of $15,927.99. She submitted an itemized summary of her monthly expenses and submitted a copy of her 2024 SSA

benefit statement, and additional SSA benefit notices, but she did not submit any further financial documentation as requested.

By decision dated March 2, 2026, OWCP finalized its preliminary overpayment determination, finding that appellant had received an overpayment of compensation of $14,571.81 for the period February 1 through October 4, 2025, because she concurrently received SSA age-related retirement benefits and FECA wage-loss compensation, without an appropriate offset. It further found that she was without fault in the creation of the overpayment but denied waiver of recovery of the overpayment, noting that she submitted no financial documentation to support the expenses listed on the Form CA-20. OWCP required recovery of the overpayment by deducting $224.18 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 duty.[3] 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.[4] 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.[5]

Section 10.421(d) of OWCP's implementing regulations requires that it reduce the amount of compensation by the amount of any SSA benefits that are 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 appellant received an overpayment of compensation in the amount of $14,571.81 for the period February 1 through October 4, 2025, for which she was without fault, because she concurrently received FECA wage-loss compensation and SSA age-related retirement benefits, without an appropriate offset.

[3] 5 U.S.C. § 8102(a).

[4] *Id.* at § 8116.

[5] *Id.* at § 8129(a).

[6] 20 C.F.R. § 10.421(d); *see P.W.*, Docket No. 26-0468 (issued July 28, 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).

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

SSA provided a completed dual benefits form showing that appellant was in receipt of SSA age-related retirement benefits based on her federal service since February 1, 2025. The case record, however, shows that appellant concurrently received FECA wage-loss compensation for that same period. No appropriate offset was made. As noted, a claimant is prohibited from receiving both compensation for wage loss under FECA and SSA age-related retirement benefits attributable to federal service for the same period.[8] Accordingly, the Board finds that fact of overpayment has been established.

With regard to the amount of the overpayment, SSA provided appellant's SSA rates with and without federal service commencing February 2025. OWCP provided its calculations of the amount that it should have offset during the relevant period based on the SSA dual benefits form. The Board has reviewed OWCP's calculations of SSA age-related retirement benefits received by appellant for the period February 1 through October 4, 2025, and finds that an overpayment of compensation in the amount of $14,671.81 was created.[9]

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.[10] 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.[11]

Recovery of an overpayment will defeat the purpose of FECA when 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.[12] 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

[8] *Id.*

[9] *See M.M.,* Docket No. 23-0129 (issued May 19, 2023); *J.H.,* Docket No. 22-1375 (issued May 16, 2023); *P.M.,* Docket No. 21-0915 (issued December 14, 2021); *K.W.,* Docket No. 20-1169 (issued April 7, 2021); *W.C.,* Docket No. 20-1241 (issued February 9, 2021).

[10] 5 U.S.C. § 8129(a)-(b).

[11] *P.W.*, *supra* note 6; *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).

[12] 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).

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.[13]

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.[14] Failure to submit the requested information within 30 days of the request shall result in a denial of waiver of recovery, 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.

As OWCP found appellant without fault in the creation of the overpayment, waiver must be considered, and recovery is still required unless adjustment or recovery of the overpayment would defeat the purpose of FECA or be against equity and good conscience.[16]

On her completed Form OWCP-20, appellant reported total assets of $15,927.99. As explained above, in determining whether recovery of the overpayment would defeat the purpose of FECA, OWCP considers whether assets exceed a resource base of $6,200.00 for an individual or $10,300.00 for an individual with a spouse or dependent.[17] As appellant's assets totaling $15,927.99 exceed the allowable resource base, recovery of the overpayment would not defeat the purpose of FECA. Because she has not established that recovery of the overpayment would defeat the purpose of FECA, it is not necessary for OWCP to consider whether she needs substantially all of her current income to meet ordinary and necessary living expenses.[18]

Additionally, the evidence of record does not demonstrate that recovery of the overpayment would be against equity and good conscience. Appellant has submitted insufficient evidence to establish that she had relied upon the incorrect payments to her detriment or that she would experience severe financial hardship attempting to repay the debt.[19] Consequently, OWCP properly denied waiver of recovery of the overpayment.

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[13] *Id.* at § 10.437(a)-(b).

[14] *Id.* at 10.438(a).

[15] *Id.* at § 10.438(b).

[16] 5 U.S.C. § 8129.

[17] *Supra* note 12.

[18] *See C.C.*, 26-0404 (issued July 2, 2026); *S.R.,* Docket No. 20-1416 (issued September 8, 2022); *M.H.,* Docket No. 19-1497 (issued September 9, 2020).

[19] 20 C.F.R. § 10.437; *see also C.C., id.*; *B.C.,* Docket No. 19-0629 (issued June 2, 2020); *William J. Murphy,* 41 ECAB 569, 571-72 (1989).

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.[20]

Section 10.441 of OWCP's regulations[21] 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.[22]

ANALYSIS -- ISSUE 3

The Board finds that OWCP properly required recovery of the overpayment by deducting $224.18 from appellant's continuing compensation payments, every 28 days.

In determining whether appellant could repay the overpayment through $224.18 deductions from continuing compensation payments, OWCP took into account her financial information as well as 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.[23] The Board finds, therefore, that OWCP properly required recovery of the overpayment by deducting $224.18 from appellant's continuing compensation payments every 28 days.

CONCLUSION

The Board finds that OWCP properly determined that appellant received an overpayment of compensation in the amount of $14,571.81 for the period February 1 through October 4, 2025, for which she was without fault, because she 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 $224.18 from appellant's continuing compensation payments, every 28 days.

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

[21] *Id.* at § 10.441(a).

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

[23] *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).

ORDER

IT IS HEREBY ORDERED THAT the March 2, 2026 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: September 18, 2026
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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