



assaulted. OWCP accepted the claim for rape and assault. It paid compensation benefits for total disability beginning December 15, 1997

On January 2, 2014 OWCP informed appellant that federal regulations required her to make an affidavit relative to any earnings or employment during the previous year and that a Form CA-1032 was enclosed for that purpose. It notified her that she had to fully answer all questions on the Form CA-1032 and return the statement within 30 days or her benefits would be suspended. The letter was sent to appellant's address of record. Appellant did not respond.

By decision dated February 11, 2014, OWCP suspended appellant's compensation benefits, effective February 12, 2014, for failing to submit the Form CA-1032, as requested. It noted that if she completed and returned an enclosed copy of the Form CA-1032, her compensation benefits would be restored retroactively to the date they were suspended.

### **LEGAL PRECEDENT**

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.<sup>2</sup>

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.<sup>3</sup> 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.<sup>4</sup>

### **ANALYSIS**

On January 2, 2014 OWCP provided appellant with a Form CA-1032. It notified her that federal regulations required her to complete the form and answer all questions concerning her employment or earnings. OWCP properly notified her that if she did not completely answer all questions and return the statement within 30 days, her benefits would be suspended. The record reflects that OWCP's letter was properly sent to appellant's address of record.<sup>5</sup> The record does not establish that she responded prior to the February 11, 2014 OWCP decision. Based on the evidence of record, the Board finds that OWCP properly suspended appellant's compensation benefits effective February 12, 2014 pursuant to 20 C.F.R. § 10.528.<sup>6</sup>

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<sup>2</sup> *Id.* at § 8106(b).

<sup>3</sup> 20 C.F.R. § 10.528.

<sup>4</sup> *Id.*; *see also id.* at § 10.525.

<sup>5</sup> *See J.J.*, Docket No. 13-1067 (issued September 20, 2013).

<sup>6</sup> *J.J.*, Docket No. 09-1724 (issued March 1, 2010). *See also James A. Igo*, 49 ECAB 189 (1997).

On appeal appellant contends that she did complete the Form CA-1032 due to a family suicide, her physician's retirement and her post-traumatic stress disorder. As noted, her benefits will be retroactively reinstated when she completes and submits the Form CA-1032 to OWCP.

**CONCLUSION**

The Board finds that OWCP properly suspended appellant's compensation benefits for failing to submit information on a Form CA-1032, as required.

**ORDER**

**IT IS HEREBY ORDERED THAT** the February 11, 2014 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: July 14, 2014  
Washington, DC

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

Michael E. Groom, Alternate Judge  
Employees' Compensation Appeals Board

James A. Haynes, Alternate Judge  
Employees' Compensation Appeals Board