



National Association of Letter Carriers

Fredric V. Rolando
President

100 Indiana Ave., NW
Washington, DC
20001-2144
202.393.4695
www.nalc.org

Brian Renfro
Executive Vice President

Lew Drass
Vice President

Nicole Rhine
Secretary-Treasurer

Paul Barner
Asst. Secretary-Treasurer

Christopher Jackson
Director, City Delivery

Manuel L. Peralta Jr.
Director, Safety & Health

James W. "Jim" Yates
Director, Life Insurance

Stephanie M. Stewart
Director, Health Insurance

Daniel E. Toth
Director, Retired Members

Board of Trustees:

Larry Brown Jr.
Chairman

Michael J. Gill
Mack I. Julion

August 2, 2021

Anjanette Suggs
U.S. Department of Labor
Office of Workers' Compensation Programs
Room S3323
200 Constitution Avenue NW
Washington, DC 20210

**RE: Agency Information Collection Activities; Comment Request; Request
for Information on Earnings, Dual Benefits, Dependents and Third Party
Settlement, CA-1032**

Dear Anjanette,

The NALC is offering this comment regarding form CA 1032 in accordance with the Department of Labor, OWCP's Comment Request, issued on June 7, 2021¹. Contrary to the direction of the Paperwork Reduction Act, Part D.2. SSA Benefits on form CA 1032, *increases* burden on respondents as well as the agency due to the collection of inaccurate information resulting in FECA and/or SSA benefit overpayments.

The SSA benefit section is a confusing portion of the CA 1032 for our injured letter carriers. Few, if any understand "benefits they receive from the SSA as part of an annuity under the Federal Employees' Retirement System (FERS)". The language in this section confuses most claimants, often resulting in overpayments. Overpayment appeals generate significant paperwork as decisions go through the lengthy OWCP appeals process.

The Department of Labor's Office of Inspector General (OIG) has consistently found a serious problem with FECA overpayments due to the dual receipt of OWCP compensation and Social Security benefits.² Injured workers have consistently misunderstood the SSA Benefits language and failed to accurately report benefits correctly.

Over the years, the Employees' Compensation Appeals Board, ECAB has found in numerous appeals that claimants failed to understand procedures in dual benefit decisions.³ ECAB found the FECA Procedure Manual identifies that, when the claimant receives SSA benefits as part of an annuity under FECA, which results in an overpayment, the claimant should be found not at fault unless there is evidence on file that the claimant was aware that the receipt of full SSA age-related retirement benefits concurrent with disability/wage-loss compensation was prohibited.

*Because of the complex nature of SSA benefits administration, appellant could not have been expected to be able to calculate the amount of an offset. Therefore, he could not reasonably have been aware during the relevant period that his concurrent receipt of SSA age-related retirement benefits constituted an actual prohibited dual benefit.*⁴

The inability of a claimant to calculate the offset is at the heart of the language on Part D of the CA 1032 where it asks:

2. SSA Benefits. Report any benefits that you receive from the SSA as part of an annuity under the Federal Employees' Retirement System (FERS). DO NOT report any benefits received from the SSA on account of employment in the private sector.

a. (Retirement) Do you receive benefits from the SSA as part of an annuity for Federal service? Yes or No: Monthly Amount:

b. (Other) If you are in receipt of any other SSA benefits, including disability; please list each kind in the space (s) below.

Note: If you receive SSA retirement benefits attributable even in part to your Federal service, your FECA benefits are subject to an offset. Likewise, if you receive SSA disability benefits, those SSA benefits may be reduced due to your receipt of FECA benefits.

² www.oig.dol.gov/public/reports/oa/2000/03-00-008-04-431.pdf

³ EH and the US Postal Service Docket # 18-1328; SH and the US Postal Service Docket #20-1157; J.B and the US Postal Service Docket # 19-0757

⁴ R.B., Docket No. 19-0023 (issued September 3, 2020) (issued December 23, 2019) (OWCP found that appellant was without fault in the creation of an overpayment caused by dual receipt of SSA age-related retirement benefits and FECA wage-loss compensation because he could not have known the amount of offset to be applied to his wage-loss compensation payments). See also D.G., Docket No. 19-0684 (issued December 24, 2019) (The Board affirmed OWCP's finding that, due to the complexity of SSA age-related benefits administration, appellant was not with fault in the creation of the overpayment because he could not have reasonably known that an improper payment had occurred. OWCP determined that appellant was not expected to be able to calculate the amount of the offset).

The Department of Labor should use language that is clear and easy to comprehend to enhance the quality, utility, and clarity of the information collected. Social Security benefit calculations are opaque to most people. The CA 1032 in its current form asks for information that few if any claimants (or attorneys) can accurately calculate.

We recommend the following changes to the section regarding Social Security Benefits on the CA 1032:

2. SSA Benefits.

- a. Do you receive any Social Security Benefits? Yes or No _____
- b. If yes, list the monthly amount _____
- c. Are you retired? Yes or No _____
Date of Retirement (Month/Day/Year) ____ / ____ / ____

Note: If you receive SSA retirement benefits, your FECA benefits may be subject to an offset. Likewise, if you receive SSA disability benefits, those SSA benefits may be reduced due to your receipt of FECA benefits.

In many cases, despite FECA claimants accurately informing OWCP about their SSA benefits, FECA claims examiners fail to understand the information provided and neglect to make the proper offsets. This again results in burdensome overpayments and appeals.

Collecting overpayments is costly, time-consuming and generates substantial paperwork for all parties. The Department of Labor should seek to simplify Part D.2. SSA Benefits on form CA 1032 to increase the quality, utility, and clarity of the information collected, which will reduce the burden on respondents and the agency.

OWCP should have a sub-section of FECA claims examiners to process CA 1032s. The CA 1032 claims examiners should have direct contact with specialists at the Social Security Administration who can provide timely and accurate FERS earnings so overpayments can be avoided.

Respectfully submitted,



Fredric V. Rolando

President, National Association of Letter Carriers