

File Number:
D-O

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U.S. DEPARTMENT OF LABOR

OFFICE OF WORKERS' COMP PROGRAMS
PO BOX 8300 DISTRICT 6 JAC
LONDON, KY 40742-8300
Phone: (904) 366-0100

October 30, 2015


Date of Injury:
Employee:

Dear Ms.

This is in reference to the 08/18/2015 overpayment decision. New information has been received which shows that the post-retirement basic life insurance information originally provided to our office, was incorrect.

Because of this situation, your claim has been reopened under 5 U.S.C. Section 8128 and the prior decision has been vacated. Please see the enclosed Notice of Decision for further information.

Sincerely,



Debora Strong
Supervisory Claims Examiner

Enclosure: Notice of Decision

Cc:

PAUL H. FELSER, ESQ.
FELSER LAW FIRM, P.C.
PO BOX 10267
SAVANNAH, GA 31412

If you have a disability (a substantially limiting physical or mental impairment), please contact our office/claims examiner for information about the kinds of help available, such as communication assistance (alternate formats or sign language interpretation), accommodations and modifications.

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NOTICE OF DECISION

ISSUE:

The issue for determination is whether the 08/18/2015 decision should be reopened under 5 U.S.C. Section 8128 and vacated.

REQUIREMENTS FOR ENTITLEMENT:

Section 8128 of the Federal Employees' Compensation Act gives the authority for the Secretary of Labor to "review an award for or against payment of compensation at any time on his own motion or on application. The Secretary, in accordance with the facts found on review, may—

(1) end, decrease, or increase the compensation previously awarded; or

(2) award compensation previously refused or discontinued.

(b) The action of the Secretary or his designee in allowing or denying a payment under this subchapter is--

(1) final and conclusive for all purposes and with respect to all questions of law and fact; and

(2) not subject to review by another official of the United States or by a court by mandamus or otherwise."

BACKGROUND:

In accordance with a 10/06/2014 letter from the Office of Personnel Management (OPM), an overpayment had been declared in your case, based on arrears of post-retirement basic life insurance (PRBLI) at the "No reduction" option. The 08/18/2015 decision, from the Hearing Representative, finalized the overpayment.

DISCUSSION OF EVIDENCE:

Now, we have received an updated / corrected document from OPM (dated 10/15/2015), indicating that you actually had the 75% reduction (free) option of PRBLI.

BASIS FOR DECISION:

If you had only free PRBLI, there would be no overpayment because of PRBLI.

CONCLUSION:

The decision of 08/18/2015 is hereby VACATED.



-Kristina A. Oettel-Barber
Senior Claims Examiner
October 30, 2015