

File Number:
ff-O-NO

U.S. DEPARTMENT OF LABOR

RECEIVED JAN 21 2013

OFFICE OF WORKERS' COMP PROGRAMS
PO BOX 8300 DISTRICT 2 NYC
LONDON, KY 40742-8300
Phone: (212) 863-0800

January 15, 2013

Date of Injury.
Employee:

Dear Mr. _____ :

As you are aware, on September 22, 2010 the Office advised you of a reduction in your FECA compensation benefits due to the fact that you were receiving benefits from this Office and from the Social Security Administration – without an appropriate offset. The result of this determination indicated that you were overpaid monetary benefits in the amount of \$136,280.31 for the period July 1, 1990 through September 25, 2010.

After multiple appeals the Employees Compensation Appeals Board set aside the matter of overpayment and Social Security Offset in your claim and directed this Office to further investigate the facts of the case.

Specifically the Office was directed to determine whether you were actually covered under the Federal Employees Retirement System (FERS) or its predecessor Civil Services Retirement System (CSRS). The ECAB indicated that the file lacked 1) sufficient evidence to show that you were an employee covered under FERS and 2) the Office should have properly developed the issue to resolve these discrepancies.

As a background, federal employees employed with the US government prior to 1984 were covered under the CSRS program. Any employee covered under this program is not required to have their compensation Offset by this Office upon reaching retirement age.

The Office offset your compensation on the grounds that you were covered under the FERS program – a program initiated nearly two decades after you left federal service.

Because of these discrepancies this Office requested further information from the Social Security Administration and the Office of Personnel Management regarding your employment history and your retirement coverage with the Federal Government.

The Office requested this information from the above agencies on August 21, 2012 and October 15, 2012 – we have yet to receive any response from either organization.

It is the purview of this examiner that the case file lacks sufficient evidence or explanation from either SSA or OPM to support that you were in fact a FERS covered employee. By all accounts it is unclear

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.

as to how you would be covered by a program that was initiated two decades after your separation from federal employment.

In the absence of any supporting evidence the Offset and resulting overpayment must be vacated.

You will receive a retroactive adjustment for compensation that had been reduced based on the erroneous offset of September 22, 2010 – you should receive this payment in approximately two – three weeks.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cory Malone', written in a cursive style.

Cory Malone
Senior Claims Examiner

PAUL FELSER, ESQ.
P O BOX 10267
SAVANNAH, GA 31412