

# Social Security and OWCP benefits



Assistant to the President  
for Workers' Compensation  
Kevin Card

**T**he Office of Workers' Compensation Programs (OWCP) has regulations for injured workers who also receive benefits from the Social Security Administration (SSA), Veterans Administration (VA), Office of Personnel Management, and other federal agencies. There are different regulations for receipt of dual benefits from OWCP and each Federal agency. Some benefits can be collected by an injured worker at the same time that he or she is collecting OWCP benefits, while others are prohibited.

OWCP claims examiners (CE) are responsible for determining if the injured worker either qualifies for or is receiving benefits from another federal agency. When an injured worker is entitled to or is receiving a benefit from another agency, the CE must determine if that benefit constitutes a prohibited dual benefit that requires an election, or if it is an exception that will not affect the injured worker's compensation entitlement.

When injured workers fail to tell their CE about other benefits they receive, there is a risk of an overpayment and possible fraud allegations.

Section 3 on Form CA-7, which is used to claim compensation, warns the filer that:

You must report any and all earnings from employment (outside your federal job); include any employment for which you received a salary, wages, income, sales commissions, or payment of any kind during the period(s) claimed in Section 2. Include self-employment, odd jobs, involvement in business enterprises, as well as service with the military. Fraudulently concealing employment or failing to report income may result in forfeiture of compensation benefits and/or criminal prosecution.

Injured workers should be mindful; the phrase "payment of any kind" often is cited in OWCP decisions that find an injured worker has received an overpayment and/or committed fraud. Always report every outside source of income. Receiving income from an outside source does not always mean that income will be deducted from your OWCP compensation benefits.

**If you are on OWCP compensation and either are currently receiving or start receiving SSA benefits, send a letter advising OWCP of that fact, along with a copy of your SSA benefit statement. OWCP and the SSA will calculate your entitlement to either benefit.**

Some Social Security benefits are payable concurrently with Federal Employees' Compensation Act (FECA) benefits, but the following restrictions apply:

When an injured worker is receiving Social Security dis-

ability benefits, Social Security is responsible for reducing the disability benefit by injured workers' wage-loss compensation.

When an injured worker is receiving regular Social Security benefits, OWCP is required to reduce wage-loss compensation equal to SSA benefits paid on the basis of age and attributable to the employee's federal service.

Section 6 of the CA-7 asks if the injured worker has claims against a third party, has applied for or received disability benefits from the Department of Veterans Affairs and/or applied for or received payment under any federal retirement or disability law including Civil Service Retirement System (CSRS), Federal Employees Retirement System (FERS) or the SSA.

The VA section asks for the claim number, the address of the VA office where the claim was filed and the nature of the disability and monthly payment. The federal retirement or disability section asks for the claim number, the date the annuity began and the amount of the monthly payment.

There is no specific place on the CA-7 to enter Social Security benefits. However, just above the injured workers' signature in Section 7 of the CA-7 is this language:

I understand that by signing this form, if evidence is received suggesting possible employment or earnings, I authorize OWCP to request verification of employment/earnings from the Social Security Administration.

In other words, OWCP will and does communicate with Social Security regularly. Again, it is important that you send a letter to OWCP with a copy of your SSA benefit statement, and that you let OWCP and the SSA calculate your benefits.

**Injured workers who are on OWCP's periodic rolls and receive compensation payments every four weeks will get a CA-1032 every year. The CA-1032 requires the injured worker report any employment, volunteer work, dependents, other federal benefits or payments, third-party settlements or fraud offenses. The CA-1032 must be submitted within 30 days of the date of the letter accompanying it, or benefits will be suspended.**

Part D, Section 2 of the CA 1032 requires the injured worker to "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."

This language often confuses injured workers. To correctly complete this section of the form, an injured worker would need to know exactly how much of his or her SSA comes from federal service and what amount comes from the private sector.

The best way to answer the question is to list the complete amount of your SSA benefit. OWCP will verify that amount with SSA. SSA will calculate the amount of the benefit attributable to your federal service and notify OWCP.