

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JEROME P. ESPOSITO and GOVERNMENT PRINTING OFFICE,
Washington, D.C.

*Docket No. 96-1239; Submitted on the Record;
Issued February 18, 1998*

DECISION and ORDER

Before GEORGE E. RIVERS, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

The issue is whether appellant is entitled to continuation of pay for time lost due to his accepted occupational illness of contact dermatitis.

On September 8, 1995 appellant, a letterpress operator, filed an occupational illness claim for contact dermatitis using a CA-1 traumatic injury claim form. He indicated that the injury occurred on May 7, 1995 but later elaborated, explaining that it appeared the rash started when he was moved from the fifth floor letterpress section to the second floor offset section in which they print with more chemicals and vapors in the ink. Appellant indicated that this move took place in May 1995, and that the initial effects were that his face started breaking out with red blotches. After being treated for weeks for sun poisoning the rash moved from his scalp and face to his back and arms, and eventually spread all over his body. On September 8, 1995 a reaction to epoxy resin was diagnosed. Thereafter appellant developed disability for work and his claim was accepted for contact dermatitis.

However, by decision dated February 1, 1996, the Office of Workers' Compensation Programs denied continuation of pay for his absence from work, for the period September 8 to 26, 1995, indicating that his claim was not filed within 30 days of the incident as required by Federal Employees' Compensation Act regulations.

The Board finds that appellant is not entitled to continuation of pay for time lost due to his accepted occupational illness of contact dermatitis.

An employee is not entitled to continuation of pay unless the employee has sustained a traumatic injury.¹ The initial analysis must thus determine whether a traumatic injury, rather than an occupational disease, has been sustained.

¹ *Richard D. Wray*, 45 ECAB 758 (1994); 20 C.F.R. § 10.201(a).

The terms “traumatic injury” and “occupational illness” are defined by regulation. Traumatic injury is defined as follows:

“Traumatic injury means a wound or other condition of the body caused by external force, including stress or strain, which is identifiable as to time and place of occurrence and member or function of the body affected. The injury must be caused by a specific event or incident or series of events or incidents within a single workday or work shift.”²

Occupational disease is defined as follows:

“Occupational disease or illness means a condition produced in the work environment over a period longer than a single workday or shift by such factors as systemic infection; continued or repeated stress or strain; or exposure to hazardous elements such as, but not limited to, toxins, poisons, fumes, noise, particulates, or radiation, or other continued or repeated conditions or factors of the work environment.”³

In the present case, the Board finds that appellant sustained an occupational illness which began to be symptomatic in May 1995 and gradually worsened over time, spreading from his face to his extremities and the rest of his body, until September 8, 1995 when he was diagnosed as having developed contact dermatitis due to occupational exposure to epoxy resins and disability for work occurred.

As appellant’s disabling condition was sustained over a period longer than a single workday or shift by repeated exposure to hazardous elements such as epoxy resin fumes, it is by definition an occupational illness, and appellant is therefore not entitled to continuation of pay.

Accordingly, the decision of the Office of Workers’ Compensation Programs dated February 1, 1996 is hereby affirmed.

² 20 C.F.R. § 10.5(15).

³ 20 C.F.R. § 10.5 (16).

Dated, Washington, D.C.
February 18, 1998

George E. Rivers
Member

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member