

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of RUSSELL WALKER and U.S. POSTAL SERVICE,
VEHICLE MAINTENANCE FACILITY, Detroit, MI

*Docket No. 00-1998; Submitted on the Record;
Issued May 23, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant has established a dermatitis condition as causally related to his federal employment.

On February 23, 1998 appellant, a 50-year-old automotive mechanic, filed a claim alleging that he sustained hand and allergic contact dermatitis causally related to his federal employment. Appellant noted that he routinely handled such items as antifreeze, oil, rust inhibitors and rubber products.

By decision dated April 27, 1998, the Office of Workers' Compensation Programs denied the claim, finding that appellant had not submitted the factual or medical evidence necessary to establish his claim. In a decision dated March 22, 1999, an Office hearing representative affirmed the prior decision. By decision dated May 1, 2000, the Office determined that the evidence was insufficient to warrant modification.

The Board finds that the case is not in posture for decision.

Appellant has alleged that a dermatitis condition is causally related to his exposure to chemicals generally known as mercapto mix. The record contains some general information on mercapto mix, indicating that it is used in the manufacture of rubber products. Appellant stated that his job involved working with tires, wearing rubber gloves, and working with liquid materials such as antifreeze and adhesives. In a report dated December 16, 1997, Dr. Marsha Chaffins stated that appellant was allergic to mercapto mix. In a report dated April 27, 1999, Dr. Chaffins diagnosed contact hand dermatitis and noted that appellant worked in a garage where he was exposed to rubber products and solutions that can contain mercapto mix, such as antifreeze and antirust solutions. In a functional capacity questionnaire, Dr. Chaffins opined that appellant's dermatitis condition was causally related to his federal employment.

The Office has not accepted that appellant was exposed to any mercapto mix during his federal employment. With respect to the solutions that appellant worked with, such as antifreeze

and adhesives, the employing establishment submitted information regarding the chemical content of certain solutions. The Board notes that none of the chemical descriptions provided by the employing establishment contain mercapto mix or any of its related chemicals. The record does not contain probative evidence that appellant worked with solutions containing mercapto mix.

Appellant has, however, also implicated working with rubber tires on a daily basis as well as wearing rubber gloves. The limited evidence of record indicates that mercapto mix is widely used in rubber products, including tires. The Office makes no findings as to whether appellant was exposed to mercapto mix while working with tires or wearing rubber gloves, nor did it attempt to obtain probative evidence on this issue. Although it is appellant's burden of proof to establish his claim, the Office has a responsibility in the development of the evidence, particularly when such evidence is of the character normally obtained from the employing establishment or other government source.¹ The case will be remanded to the Office for further development on the issue of whether working with tires and using rubber gloves resulted in mercapto mix exposure. If so, the Office should prepare an accurate statement of accepted facts and secure a reasoned medical opinion as to whether a dermatitis condition was causally related to the exposure. After such further development as the Office deems necessary, it should issue an appropriate decision.

The decision of the Office of Workers' Compensation Programs dated May 1, 2000 is set aside and the case remanded to the Office for further action consistent with this decision of the Board.

Dated, Washington, DC
May 23, 2001

Michael J. Walsh
Chairman

Willie T.C. Thomas
Member

A. Peter Kanjorski
Alternate Member

¹ See *Victor D. Timian*, 43 ECAB 249, 254 (1991).