



It is an accepted principle of workers' compensation law that when the primary injury is shown to have arisen out of and in the course of employment, every natural consequence that flows from the injury is deemed to arise out of the employment, unless it is the result of an independent intervening cause which is attributable to the employee's own intentional conduct.<sup>2</sup> The basic rule is that a subsequent injury, whether an aggravation of the original injury or a new and distinct injury, is compensable if it is the direct and natural result of a compensable primary injury.<sup>3</sup>

Although OWCP and appellant discuss her claim as a claim for a recurrence of injury, the Board finds that this did not involve a recurrence of disability due to a spontaneous change in appellant's medical condition. Rather, appellant is actually alleging that at the time she stuck herself with the needle on July 11, 2001, she contracted Hepatitis C. The Board notes that OWCP has already accepted appellant's claim for this incident caused by a hypodermic needle stick to appellant's right hand. Appellant now alleges that she developed Hepatitis C as a direct consequence of this accepted needle stick. Her allegation of a consequential injury has never been considered by OWCP.

Accordingly, appellant's claim should be considered a claim for a consequential injury. Therefore, the Board will remand this case, with instructions to OWCP that it consider appellant's claim as a claim for a consequential injury.

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated April 1, 2015 is set aside and the case is remanded for further action consistent with this order.

---

<sup>2</sup> *Albert F. Ranieri*, 55 ECAB 598 (2004).

<sup>3</sup> *B.S.*, Docket No. 12-137 (issued June 19, 2012).

Issued: September 20, 2016  
Washington, DC

Christopher J. Godfrey, Chief Judge  
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge  
Employees' Compensation Appeals Board

Alec J. Koromilas, Alternate Judge  
Employees' Compensation Appeals Board