



Infectious diseases

Claims for injuries or illnesses due to exposure to infectious diseases can be filed either as traumatic injury claims or as occupational disease claims. A traumatic injury claim involves a specific event or series of events within a single workday or shift. Traumatic injuries are caused by external force, including stress or strain, which is identifiable as to the time and place of occurrence and member or function of the body affected. For example, a carrier may claim that he was stuck with a needle in the course of pulling a collection box and contracted hepatitis as the result of the needle-stick injury. An occupational disease or illness, on the other hand, refers to a condition produced by the work environment over a period longer than a single workday or shift.

Mere exposure to an infectious disease will not generate compensation, nor is the employee's fear of contracting the disease compensable. ECAB has ruled that exposure to a disease does not fall within the definition of an injury as set forth in the FECA.¹ ECAB has also ruled that the FECA does not provide for the payment of medical treatment after exposure to hazardous material or diseases where an employee does not contract the disease to which he was exposed.²

Routine examinations due to exposure to an infectious disease are also not covered by the FECA. The OWCP procedures state that the law does not provide for a routine examination of an employee who has been exposed to a co-worker with an infectious disease or to hazards of the workplace.

In order to establish that an infectious disease injury or illness is sustained in the performance of duty, a claimant must submit the following: 1) medical evidence establishing the presence or existence of the disease or condition

for which compensation is claimed; 2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and 3) medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant. The claimant's physician must explain the nature of the relationship between the diagnosed infectious disease and the specific employment factors identified by the claimant and support his opinion with medical rationale.

In the case of an infectious disease, it is not sufficient for the claimant to show that he/she was healthy prior to

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undertaking employment or that the disease developed in the course of employment. He/she must produce proof of a reliable and probative character showing that his/her disease resulted from exposure to the disease in an active state as a result of employment or evidence establishing a logical chain of events from which such exposure may reasonably be inferred.³

The claimant's burden of proof in claims involving infectious diseases can be difficult to substantiate, and that is especially true if influenza is the diagnosis. However, that does not mean that the carrier diagnosed with influenza should not file a claim. If a carrier contracts the flu at work, the evidence clearly identifies the contributing employment factors, and it is supported by medical evidence, then an OWCP claim should be filed. ☒

1. C.M. & National Park Service 06-2174 (2007)

2. Richard A. Weiss, 47 ECAB 182 (1995)

3. George H. Blayzor, 6 ECAB 707 (1954)