

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of RONALD P. MILLS and DEPARTMENT OF THE AIR FORCE,
HILL AIR FORCE BASE, Ogden, Utah

*Docket No. 96-826; Submitted on the Record;
Issued January 14, 1998*

DECISION and ORDER

Before MICHAEL E. GROOM, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant's hearing loss is causally related to his exposure to noise at work.

On May 11, 1994 appellant, then a 58-year-old retired industrial engineering technician, filed a claim for a bilateral hearing loss. In a May 5, 1995 decision, the Office of Workers' Compensation Programs rejected appellant's claim on the grounds that the evidence of record failed to demonstrate a causal relationship between appellant's employment and the claimed condition. In an October 31, 1995 decision, after a written review of the record, an Office hearing representative affirmed the May 5, 1995 decision of the Office.

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

The employing establishment indicated that from January 13, 1966 to January 2, 1969 appellant performed hazardous noise duty as an aircraft mechanic and production controller with noise exposure ranging up to 109 decibels for up to 3 hours a day intermittently. It reported that from January 3, 1969 through March 31, 1993 appellant held a non-hazardous assignment as an industrial engineering technician with exposure to background noise of 78 to 93 decibels for 40 minutes a day until 1989 when the office was moved away from hazardous noise areas. The employing establishment noted that hearing protection was not required when in the office but was provided and its use encouraged when in the production areas of the employing establishment.

Appellant indicated that he first noticed a hearing loss in the late 1970's and early 1980's. He attributed most of his noise exposure to the running of jet engines outside the hanger and the constant noise from hydraulic mules running inside the hanger. Appellant reported that he had hobbies and other activities including hunting once a year, farming with use of farming equipment three to four times a year, auto mechanic two to three times a year, four wheeling

since 1988, wood cutting with a chain saw approximately every other year and snowmobiling after 1994. He indicated that he retired on March 31, 1993.

In a report received by the Office on August 10, 1994, Dr. Annette G. Burst, chief medical officer of the employing establishment and a specialist in occupational medicine, stated that appellant had an asymmetrical high frequency sensorineural hearing loss with a mild conductive loss in the right ear. She concluded that appellant's hearing loss was not related to his employment because appellant had stable hearing levels when assigned to noise duties and did not have a documented hearing loss until he was no longer assigned to noise duties. Dr. Burst also cited appellant's recreational noise exposure and conductive loss in the right ear as reasons for finding that appellant's hearing loss was not related to work.

The Office referred appellant to Dr. Leland Johnson, a Board-certified otolaryngologist, for an examination. In a report received by the Office on February 10, 1995, Dr. Johnson diagnosed bilateral sensorineural hearing, with an increased loss in the left ear, and a small component of conductive hearing loss in the left ear. He noted that appellant had a slight high frequency sensorineural hearing loss on his preemployment audiogram. Dr. Johnson stated that, although there had been progression in the sensorineural component of the hearing loss, the progression occurred after appellant was removed from a hazardous noise environment which occurred on January 3, 1969. He indicated that the progressive hearing loss occurred primarily after 1980 which was a period when appellant was not exposed to work-related noise.

Both Dr. Burst and Dr. Johnson concluded that appellant's hearing loss was not related to his employment because he was removed from hazardous noise after January 3, 1969. However, the employing establishment's records show that appellant was exposed to background noise of up to 93 decibels until 1989 when his office was removed from hazardous noise areas. The employing establishment also did not discuss whether appellant was required to periodically go to the production areas of the employing establishment as part of his job. The medical reports of record do not address whether appellant's exposure to background noise of up to 93 decibels for 40 minutes a day over a 20-year period would affect his hearing. The case must therefore be remanded for further development.

On remand the Office should refer appellant, together with the statement of accepted facts and the case record, to an appropriate specialist for an examination. The Office should describe in detail appellant's exposure to noise at the employing establishment. The specialist should then be requested to give a diagnosis and his rationalized opinion on whether appellant has a hearing loss that is causally related to his exposure to noise at work throughout his entire employment at the employing establishment. After further development as it may find necessary the Office should issue a *de novo* decision.

The decisions of the Office of Workers' Compensation Programs, dated October 31 and May 5, 1995, are hereby set aside and the case remanded for further action in accordance with this decision.

Dated, Washington, D.C.
January 14, 1998

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member