

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

---

In the Matter of JOHNNIE L. WILLIAMS and DEPARTMENT OF THE NAVY,  
NORFOLK NAVAL SHIPYARD, Portsmouth, VA

*Docket No. 00-752; Submitted on the Record;  
Issued March 19, 2001*

---

DECISION and ORDER

Before WILLIE T.C. THOMAS, BRADLEY T. KNOTT,  
A. PETER KANJORSKI

The issue is whether appellant has a compensable hearing loss causally related to factors of his federal employment.

The Board has duly reviewed the case record in the present appeal and finds that this case is not in posture for decision.

On April 14, 1999 appellant, then a 55-year-old retired equipment specialist,<sup>1</sup> filed an occupational disease claim (Form CA-2) alleging that he sustained a hearing loss in his right ear due to exposure to noise in the course of his federal employment. He stated that he first became aware that he had a hearing loss problem and related it to his employment on January 12, 1999. On the reverse side of the form, the employing establishment stated that appellant was last exposed to the conditions alleged to have caused the disease on January 31, 1999.

Accompanying the claim, the employing establishment submitted various documents, including personnel papers, health records and a March 3, 1999 audiogram.

The Office of Workers' Compensation Programs referred appellant to Dr. John B.T. Wood, a Board-certified otolaryngologist, for an examination and evaluation of medical records. In a report dated October 8, 1999, Dr. Wood reported the findings of his August 26, 1999 examination of appellant, and stated:

“Audiogram was obtained with the audiologist. A copy of this is enclosed. This revealed the low and mid-frequencies to be normal. There was a mild elevation bilaterally at 2,000 and 3,000 hertz. Historically, his right ear has been worse. The findings by the audiologist would seem to indicate that the left ear is about the same as the right at this time. The hearing levels obtained are slightly greater

---

<sup>1</sup> Appellant voluntarily retired on January 31, 1999.

than the last audiogram taken by the Norfolk Naval Shipyard Audiology Clinic. The level is actually more changed on the left than the right. The high frequency hearing loss characteristically is due to noise exposure, but it can also be due to the aging process. With its onset at a fairly early age, it more than likely represents the effect of his noise exposure during his occupation.”

Attached to Dr. Wood’s October 8, 1999 report was an outline for an otologic evaluation form signed by audiologist, Thomas Henderson and Dr. Wood. The Board notes that neither appellant’s name nor file number appear on the form and that the date of the audiologic testing was completed was September 14, 1999. In his October 8, 1999 report, Dr. Wood stated that he saw appellant on August 26, 1999 and that an audiogram was obtained with the audiologist. In addition, the record supports that the Office requested a copy of appellant’s records from Dr. Wood which were received on October 25, 1999, including an audiogram dated August 26, 1999 with appellant’s name on it.<sup>2</sup>

On November 1, 1999 the district medical adviser applied the September 14, 1999 audiogram to determine that appellant had a nonratable, and therefore noncompensable, hearing loss for schedule award purposes. On November 18, 1999 the Office denied the claim for a schedule award.

The Board finds that there is significant confusion concerning whether the correct audiogram was used to determine appellant’s hearing loss. Therefore, the case must be remanded for further development. On remand the Office should determine the correct audiogram to use in determining appellant’s hearing loss. After such determination, a *de novo* decision shall be issued.

---

<sup>2</sup> Also included with appellant’s records was a document belonging to someone else.

The decision of the Office of Workers' Compensation Programs dated November 18, 1999 is set aside and the case is remanded for further action consistent with this decision.

Dated, Washington, DC  
March 19, 2001

Willie T.C. Thomas  
Member

Bradley T. Knott  
Alternate Member

A. Peter Kanjorski  
Alternate Member