

SYLVESTER J. WHEELER)	
)	
Claimant-Petitioner)	
)	
v.)	
)	
SHOOK & FLETCHER INSULATION)	
COMPANY)	DATE ISSUED:
)	
and)	
)	
AETNA CASUALTY & SURETY)	
COMPANY)	
)	
Employer/Carrier-)	
Respondents)	DECISION and ORDER

Appeal of the Decision and Order Awarding Benefits of Richard D. Mills, Administrative Law Judge, United States Department of Labor.

Mitchell G. Lattof, Sr. (Lattof & Lattof, P.C.), Mobile, Alabama, for claimant.

Allen E. Graham and M. Lauren Lemmon (Lyons, Pipes & Cook, P.C.), Mobile, Alabama, for employer/carrier.

Before: HALL, Chief Administrative Appeals Judge, DOLDER and McGRANERY, Administrative Appeals Judges.

PER CURIAM:

Claimant appeals the Decision and Order Awarding Benefits (95-LHC-124) of Administrative Law Judge Richard D. Mills rendered on a claim filed pursuant to the provisions of the Longshore and Harbor Workers' Compensation Act, as amended, 33 U.S.C. §901 *et seq.* (the Act). We must affirm the findings of fact and conclusions of law of the administrative law judge which are rational, supported by substantial evidence, and in accordance with law. *O'Keeffe v. Smith, Hinchman & Grylls Associates, Inc.*, 380 U.S. 359 (1965); 33 U.S.C. §921(b)(3).

On May 12, 1994, claimant filed a notice of injury and a claim for hearing loss benefits against employer for whom claimant last worked in the first quarter of 1976. In his Decision and Order, the administrative law judge awarded claimant benefits for a 15 percent monaural hearing impairment pursuant to Section 8(c)(13)(A) of the Act, 33 U.S.C. §908(c)(13)(A). The

administrative law judge additionally held employer liable for interest on any sums determined to be due and owing as of May 12, 1994, the date of the notice of injury.

On appeal, claimant contends that interest should accrue as of the first quarter of 1976, the date of claimant's last covered exposure to injurious noise, and not from when employer obtained knowledge of claimant's injury. Employer responds, urging affirmance of the administrative law judge's decision.

The Board's recent decision in *Renfroe v. Ingalls Shipbuilding, Inc.*, 30 BRBS 101 (1996)(*en banc*), is dispositive of the issue raised by claimant. In *Renfroe*, the Board held that in a hearing loss case, interest accrues on compensation from the date benefits become due under Section 14(b), 33 U.S.C. §914(b), and accrues on all benefits due and unpaid from that date until they are paid. The Board held that an employer cannot wrongfully withhold or delay the payment of benefits until they are "due," and benefits do not become "due" under Section 14(b) until employer has knowledge of the injury, or notice of the injury pursuant to Section 12, 33 U.S.C. §912. *Renfroe*, 30 BRBS at 105; *see also Meardry v. Int'l Paper Co.*, __ BRBS __, BRB Nos. 93-1693/A (Sept. 12, 1996). Therefore, for the reasons articulated in *Renfroe*, we reject claimant's contention that interest should accrue as of the date of last exposure to injurious noise, and not as of the date that employer obtained knowledge of claimant's injury. We thus affirm the administrative law judge's determination that employer is liable for interest on benefits accruing as of May 12, 1994, the date of the notice of injury.

Accordingly, the Decision and Order Awarding Benefits of the administrative law judge is affirmed.

SO ORDERED.

BETTY JEAN HALL, Chief
Administrative Appeals Judge

NANCY S. DOLDER
Administrative Appeals Judge

REGINA C. McGRANERY
Administrative Appeals Judge