

LOVETT YOUNG	)	
	)	
Claimant-Petitioner	)	
	)	
v.	)	DATE ISSUED: _____
	)	
I.T.O. CORPORATION	)	
	)	
Self-Insured	)	
Employer-Respondent	)	DECISION and ORDER

Appeal of the Decision and Order - Denying Benefits of James W. Kerr, Jr., Administrative Law Judge, United States Department of Labor.

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

Robert E. Thomas (Cornelius, Sartin & Murphy), New Orleans, Louisiana, for employer.

Before: SMITH, BROWN and McGRANERY, Administrative Appeals Judges.

PER CURIAM:

Claimant appeals the Decision and Order - Denying Benefits (91-LHC-2111) of Administrative Law Judge James W. Kerr, Jr., 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 if they are rational, supported by substantial evidence, and in accordance with law. *O'Keefe v. Smith, Hinchman & Grylls Associates, Inc.*, 380 U.S. 359 (1965); 33 U.S.C. §921(b)(3).

On February 12, 1987, claimant filed a claim for benefits under the Act for a work-related hearing loss. CX 1. Claimant underwent an audiometric examination on December 3, 1986, which revealed a 24.4 percent binaural hearing loss. CX 8. A subsequent audiometric evaluation performed on January 16, 1991, revealed a zero percent binaural hearing impairment. CX 9.

In his Decision and Order, the administrative law judge relied on the results of the January 1991 audiogram in finding that claimant has a mild work-related hearing loss but no compensable functional impairment. The administrative law judge also relied on the opinions of Drs. McDill and Muller to find that claimant is not entitled to medical benefits as he has no present need for medical benefits and no future treatment is anticipated. Accordingly, the administrative law judge denied the claim.

On appeal, claimant concedes that he has no present need for medical benefits. Claimant alleges, however, that the administrative law judge's denial of future medical benefits is contrary to the record and not in accordance with law. Employer responds, urging affirmance of the administrative law judge's Decision and Order.

In the instant case, the administrative law judge rationally credited the opinions of Drs. Muller and McDill in concluding that claimant requires no current medical care, and that future medical treatment is not anticipated. *See* CX 9. Accordingly, for the reasons set forth in *Ingalls Shipbuilding, Inc. v. Director, OWCP, [Baker]*, 991 F.2d 163, 27 BRBS 14 (CRT)(5th Cir. 1993), we affirm the administrative law judge's decision to deny future medical benefits to claimant as that determination is supported by substantial evidence and is in accordance with law. *See Baker*, 991 F.2d at 166, 27 BRBS at 16 (CRT).

Accordingly, the administrative law judge's Decision and Order - Denying Benefits is affirmed.

SO ORDERED.

ROY P. SMITH  
Administrative Appeals Judge

JAMES F. BROWN  
Administrative Appeals Judge

REGINA C. McGRANERY  
Administrative Appeals Judge