

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of LEONARD R. JOHNSON and DEPARTMENT OF THE AIR FORCE,  
HILL AIR FORCE BASE, Ogden, UT

*Docket No. 98-216; Submitted on the Record;  
Issued July 23, 1999*

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DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,  
MICHAEL E. GROOM

The issue is whether appellant has a hearing loss causally related to his exposure to noise in his employment.

On March 19, 1997 appellant, then a 56-year-old retired equipment specialist, filed a claim for a hearing loss which he related to noise at work. He indicated that he was exposed to the noise of pneumatic nut runners, pneumatic drills and air compressors. In a July 9, 1997 decision, the Office of Workers' Compensation Programs denied appellant's claim on the grounds that his hearing loss was not causally related to his exposure to noise at work.

The Board finds that appellant has not established that his hearing loss is causally related to his exposure to noise at work.

The Office referred appellant to Dr. Leland Johnson, a Board-certified otolaryngologist, for a hearing examination and report on the cause and extent of his hearing loss. In an undated report, Dr. Johnson indicated that a comparison between the audiogram performed under his direction and appellant's August 1, 1977 audiogram showed essentially no change in appellant's hearing levels. He noted that the hearing in appellant's left ear was in excess of that based on presbycusis. Dr. Johnson indicated that there existed an asymmetry between the hearing levels in the left and right ears. He concluded that, based on the lack of change in the hearing levels in either ear over 20 years and the asymmetry in the left ear, it was unlikely that appellant had a noise-induced hearing loss. Dr. Johnson presented a rationalized report supporting his conclusion that appellant's hearing loss was not related to noise exposure at work. His report, therefore, represents the weight of the medical evidence.<sup>1</sup>

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<sup>1</sup> After the July 9, 1997 decision, appellant submitted additional evidence, including a February 5, 1997 report from Dr. Jack A. Cox. The Board's scope of review is limited to the evidence that was before the Office at the time it issued its final decision. 20 C.F.R. § 501.2(c). The Board therefore cannot consider Dr. Cox' report on appeal.

The decision of the Office of Workers' Compensation Programs dated July 9, 1997 is hereby affirmed.

Dated, Washington, D.C.  
July 23, 1999

Michael J. Walsh  
Chairman

George E. Rivers  
Member

Michael E. Groom  
Alternate Member