

Appellant submitted copies of audiogram test results from May 7, 1997 to June 12, 2002. In the remarks section of an audiogram dated August 23, 2000, it was noted that appellant was not routinely exposed to hazardous noise, that he wore hearing aids and that there were some inconsistent responses in his audiogram test. In an undated report, appellant stated that he was exposed to low hazardous noise using noisy vibrator tools from June 20, 1977 to December 30, 2002. The record includes a report on appellant's employment and exposure history and his position description as an electrician which noted normal noise exposure.

By letter dated February 20, 2004, the Office informed the employing establishment that it needed the decibel and frequency level (noise survey report) of each of appellant's job sites. Appellant's employment record included military service as an electrician or a trainee from 1964 to 1977 when he was exposed often to normal workplace noises associated with electrical appliances. On June 13, 1984 the medical director of the employing establishment noted appellant's hearing loss but stated that it could not determine the cause of his hearing loss and recommended that appellant obtain a medical evaluation. Appellant submitted copies of additional audiogram test results from May 3, 1985 to October 21, 1996. In a report dated July 30, 1991, an employing establishment audiologist recommended that appellant have hearing aids through the Veterans Administration and recommended an evaluation. In a report dated August 5, 1991, the employing establishment advised appellant that he should seek a hearing aid evaluation. In a report of an ear examination dated July 21, 1977, Dr. Orval Dean, an employing establishment physician, noted appellant's hearing loss and related that appellant considered his hearing loss to have been caused by noise. He noted that appellant's high frequencies were well preserved.

In a statement dated March 10, 2004, the employing establishment stated that appellant was exposed to hazardous noise from 1957 to 1976 while on active duty in the U.S. Navy and wore no hearing protection. As a federal civilian employee, he did wear hearing protection whenever he was expected to be exposed to hazardous noise from 1977 to 2002.

On July 23, 2004 the Office referred appellant, a copy of his medical record and a statement of accepted facts to Dr. Gerald Randolph, a Board-certified otolaryngologist, for a determination as to whether appellant's hearing loss was caused by his federal employment. In a statement of accepted facts dated July 23, 2004, the Office stated that appellant had performed heavy hands-on industrial work including manipulating electric wire and tools for 26 years from 1977 to 2002. It also noted that shipyard had many noisy work areas and that appellant's daily 8-hour duty time weighted average noise exposure for 30 days per year was greater than 84 decibels.

In a report dated August 31, 2004, Dr. Randolph reported findings of an audiogram conducted by a certified audiologist that day and found that appellant had severe sensorineural binaural hearing loss but that it was not caused by industrial noise exposure. Dr. Randolph noted that, although appellant had sufficient noise exposure to have potentially aggravated his hearing loss, the audiometric results were not compatible with hearing loss due to noise exposure. He noted that appellant's hearing loss involved all frequencies and continued to progress since his retirement. Dr. Randolph advised that hearing loss due to noise exposure occurred at the time of noise exposure and did not increase in severity at a later date. Based on this, he opined that appellant's hearing loss was largely or completely due to causes other than workplace noise

exposure. He found “no significant conductive component” present in appellant’s hearing loss. Dr. Randolph opined that genetic factors or other causes of inner ear deafness likely caused appellant’s hearing loss.

By decision dated October 14, 2002, the Office denied appellant’s claim on the grounds that the evidence failed to support that his hearing loss was caused by his employment.

LEGAL PRECEDENT

To establish that an injury was sustained in the performance of duty, appellant must submit the following: (1) medical evidence establishing the presence or existence of the condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the condition; and (3) medical evidence establishing that the employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant. The medical evidence required to establish causal relationship, generally is rationalized medical evidence. Rationalized medical opinion evidence is medical evidence, which includes a physician’s rationalized opinion on the issue of whether there is a causal relationship between appellant’s diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by appellant.¹

The mere fact that a disease manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two. Neither the fact that the disease became apparent during a period of employment, nor the belief of appellant that the disease was caused or aggravated by employment conditions, is sufficient to establish causal relation.²

ANALYSIS

Appellant claimed that he sustained a hearing loss due to exposure to hazardous noise at work. Although the evidence establishes that appellant has a hearing loss and that he had workplace noise exposure, the medical evidence does not support his claim that his hearing loss was caused by his civilian federal employment.

In an August 31, 2004 report, Dr. Randolph, a Board-certified otolaryngologist, provided a comprehensive report noting appellant’s history and findings on examination and audiometric testing. He found that appellant’s hearing loss was not employment related. Dr. Randolph explained his opinion on causal relationship, noting that appellant had a bilateral high frequency sensorineural hearing loss but that the configuration of the hearing loss obtained on audiometric testing was not typical of a noise-induced hearing loss. Dr. Randolph observed that noise-

¹ *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

² *Joseph T. Gulla*, 36 ECAB 516, 519 (1985).

induced hearing loss occurs at the time of the noise exposure and does not increase in severity at a later date. Since appellant's hearing loss continued to worsen after his retirement, the physician concluded that it was due to causes other than industrial noise exposure. Dr. Randolph added that no significant conductive component to appellant's hearing loss was present. He found no basis on which to attribute appellant's hearing loss to his workplace noise exposure. Consequently, the Board finds that the medical evidence does not establish that appellant's federal employment caused or contributed to his hearing loss.

CONCLUSION

The Board finds that appellant has not met his burden of proof to establish that he sustained a hearing loss in the performance of duty.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated October 14, 2004 is affirmed.

Issued: May 19, 2005
Washington, DC

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member