

employment-related hearing loss was untimely filed.¹ The history of the case is contained in the Board's prior decision and is incorporated herein by reference.

On return of the case record, the Office prepared a statement of accepted facts and referred appellant, along with medical records, to Dr. George Godwin, an otolaryngologist. In a form report (CA-1332, outline for otologic evaluation) dated December 12, 2006, Dr. Godwin diagnosed bilateral neurosensory hearing loss. The report is accompanied by an audiogram dated December 12, 2006. Dr. Godwin checked a box that the hearing loss was "not due" to noise exposure in appellant's federal employment. He explained, "Hearing was essentially the same pre- and post-fed[eral] employment. The current hearing loss is after fed[eral] employment years. There is no evidence of work-related hearing loss during the [19]76 to [19]88 compensable time frame."

By decision dated January 19, 2007, the Office denied appellant's claim for compensation. The Office found that the evidence of record did not support a hearing loss causally related to noise exposure in his federal employment.

LEGAL PRECEDENT

Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that his hearing loss condition was causally related to noise exposure in his federal employment.² Neither the condition becoming apparent during a period of employment, nor the belief of the employee that the hearing loss was causally related to noise exposure in his federal employment, is sufficient to establish causal relationship.³

ANALYSIS

In the present case, the second opinion otolaryngologist, Dr. Godwin, opined that appellant's bilateral hearing loss was not related to noise exposure in his federal employment. The Board notes that the evidence from the employing establishment indicated that appellant had last worked in federal employment in August 1988. Dr. Godwin explained his opinion by indicating that the evidence did not establish a progression of hearing loss while appellant worked at the employing establishment. As the Board noted in its prior decision, the record also contains a June 15, 2005 report from an Office medical adviser opining that appellant's hearing loss was not related to noise exposure in his federal employment. The medical adviser also noted that employing establishment audiograms did not show a progression of hearing loss.

The evidence of record therefore includes rationalized medical opinions from the second opinion examiner, Dr. Godwin, and an Office medical adviser that the hearing loss was not

¹ Docket No. 06-1384 (issued October 6, 2006).

² *Stanley K. Takahaski*, 35 ECAB 1065 (1984).

³ *See John W. Butler*, 39 ECAB 852, 858 (1988).

employment related. Appellant did not submit any probative medical evidence on the issue.⁴ Accordingly, the weight of the medical evidence is found to be with Dr. Godwin and the Office medical adviser. Appellant has not established a hearing loss causally related to noise exposure in his federal employment.

CONCLUSION

The Office properly determined that the evidence of record does not establish an employment-related hearing loss.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated January 19, 2007 is affirmed.

Issued: September 13, 2007
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

David S. Gerson, Judge
Employees' Compensation Appeals Board

James A. Haynes, Alternate Judge
Employees' Compensation Appeals Board

⁴ Appellant did submit a new medical report on appeal to the Board. The jurisdiction of the Board is limited to evidence that was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c). Since this evidence was not before the Office, the Board cannot review the evidence on this appeal.