

reverse of the claim form reported that appellant had been last exposed to noise in employment on December 6, 1991.

On an Office form regarding evidence required in a hearing loss claim, appellant asserted that he worked at the employing establishment from 1971 to 2005. He indicated that he worked intermittently as a laborer and boilermaker, with noise exposure in both positions.

The employing establishment responded in an August 22, 2005 letter that appellant had last worked at the employing establishment on December 6, 1991. According to it, he worked intermittently from August 18, 1973, with his last audiogram dated March 28, 1988. The record includes documentation that appellant's employment was terminated effective December 6, 1991. The employing establishment stated that he could have been employed by a nonfederal contractor after 1991.

By letter dated September 1, 2005, the Office requested that appellant detail his employment history and explain the discrepancy between the dates that he provided and the period of employment reported by the employing establishment. There is no indication that appellant responded.

By decision dated November 8, 2005, the Office denied the claim for compensation. It found that appellant failed to provide an accurate factual background.

In a memorandum of telephone call dated March 27, 2006, the Office indicated that appellant had a previously accepted claim for hearing loss under Office File No. 06-696986. On July 31, 2006 appellant requested reconsideration. He briefly stated that he had filed a claim for a recurrence of disability and was submitting an audiogram showing increased hearing loss "since I was first awarded for hearing loss. I continued in employment with [the employing establishment] approximately five or six years after [illegible]."

In a decision dated October 18, 2006, the Office denied modification of its prior decision. It noted that appellant had filed a hearing loss claim in 1998 under Office File No. 060696986 and that there was no evidence that he had any additional noise exposure in his federal employment.

LEGAL PRECEDENT

The Office's procedures indicate that an employee may claim an increased schedule award. In some instances, particularly in hearing loss cases, a claim for an additional schedule award will be based on an additional period of exposure. This constitutes a new claim and should be adjudicated as a new claim.²

² Federal (FECA) Procedure Manual, Part 2 -- Claims, *Schedule Awards and Permanent Disability Claims*, Chapter 2.808.7(b)(3) (March 1995).

ANALYSIS

Appellant filed an occupational claim on June 7, 2005 for an employment-related hearing loss. The record, however, indicates that he filed a prior claim for an employment-related hearing loss in 1998. A new claim would be appropriate only if there was additional noise exposure since the filing of the prior claim.

In this case, the evidence from the employing establishment clearly indicated that appellant's employment was terminated effective December 6, 1991. While appellant alleged that his employment continued beyond 1991, he did not provide any additional detail. It is not clear whether he was referring to work as a contractor or what specific time period is involved. Appellant had an opportunity to clearly explain his work history as requested by the Office but he failed to do so.

Based on the evidence of record, there is no indication that a new claim was appropriate in this case. Appellant may pursue an increased schedule award pursuant to Office File No. 060696986, but the evidence of record is not sufficient to establish a new claim for an employment-related hearing loss.

CONCLUSION

The record does not establish that appellant had any additional employment-related noise exposure after the filing of his prior claim for a hearing loss and therefore there is no evidence to support a new claim for hearing loss.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated October 18, 2006 is affirmed.

Issued: January 29, 2008
Washington, DC

David S. Gerson, Judge
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board

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