

On June 26, 2013 appellant filed a third occupational disease claim for noise-induced hearing loss in this claim, No. xxxxxx254.

OWCP referred appellant to Dr. William M. Parell, a Board-certified otolaryngologist, for a second opinion evaluation and audiometric testing on September 3, 2013. In a September 3, 2013 report, he diagnosed noise-induced sensorineural hearing loss which was due to appellant's federal civilian employment and in excess of what would normally be predicated on the basis of presbycusis.

An OWCP medical adviser reviewed the claim on September 20, 2013 and stated that appellant retired from federal employment on February 1, 2007. He stated that because appellant was not exposed to employment-related noise since February 1, 2007 and had an audiogram processed on August 9, 2011, after his date of retirement, that the worsening of his hearing loss was due to presbycusis and not a result of employment-related noise exposure.

By decision dated December 23, 2013, OWCP denied appellant's claim on the grounds that the evidence of record failed to establish fact of injury, namely, that the occupational noise exposure did not occur as alleged.

The Board has long recognized that, if a claimant's employment-related hearing loss worsens in the future, he may apply for an additional schedule award for any increased permanent impairment. The Board has also recognized that a claimant may be entitled to a schedule award for increased hearing loss, even after exposure to hazardous noise has ceased, if causal relationship is supported by the medical evidence of record.² In *Adelbert E. Buzzell*,³ the Board cautioned against an OWCP medical adviser providing a blanket unrationalized statement that hearing loss does not progress following the cessation of hazardous noise exposure.⁴

The Board finds that OWCP did not properly develop the factual and medical evidence in this claim. The Board notes that appellant has established fact of injury, namely, that he was exposed to employment-related noise. OWCP improperly relied on the medical adviser's blanket unrationalized statement that appellant's employment-related hearing loss did not progress and OWCP failed to combine appellant's hearing loss claims. Pursuant to its procedures, OWCP has determined that cases should be combined when correct adjudication of the issues depends on frequent cross-reference between files. Therefore, for a full and fair adjudication, appellant's claims should be combined.⁵ On remand OWCP shall combine claim Nos. xxxxxx088, xxxxxx039 and xxxxxx254 and refer appellant and the case file to a second opinion otolaryngologist for a fully-rationalized opinion regarding whether appellant developed

² *J.R.*, 59 ECAB 710, 713 (2008).

³ 34 ECAB 96 (1982).

⁴ The Federal (FECA) Procedure Manual, Part 3 -- Medical, *Schedule Awards*, Chapter 3.700.4(b)(3) (January 2010) notes that, if the progression of a noise-induced hearing loss is to be denied, the medical adviser must provide a well-reasoned opinion.

⁵ Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance & Management*, Chapter 2.400.8(c) (February 2000).

increased hearing loss as a result of his federal employment noise exposure.⁶ Following this and any other further development deemed necessary, OWCP shall issue an appropriate merit decision on appellant's occupational disease claim.

IT IS HEREBY ORDERED THAT the December 23, 2013 decision of the Office of Workers' Compensation Programs is set aside and remanded for further development consistent with this decision of the Board.

Issued: June 13, 2014
Washington, DC

Patricia Howard Fitzgerald, Acting Chief Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

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

⁶ *Supra* note 1.