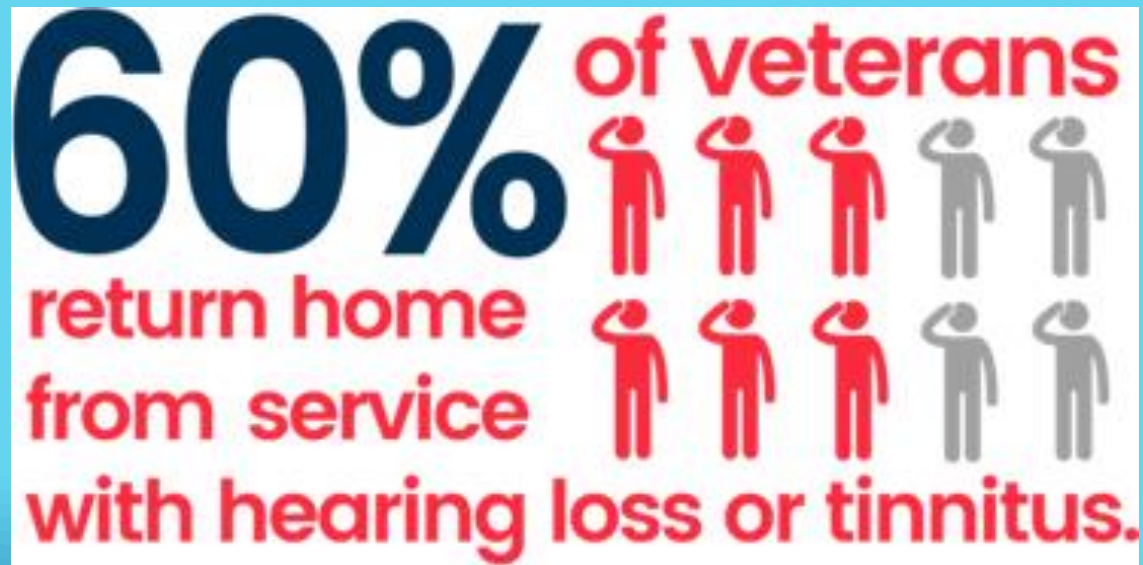


# HEARING LOSS AND TINNITUS CLAIMS

How to get VA disability



You can save your self and your Veteran a lot of wasted time and effort if the Veteran is willing to sign a statement stating something to the effect of:

“My hearing loss began while I was in the military and I have had it ever since.” Those of us that are more seasoned have all had times when a Veteran has been hesitant or unwilling to sign this statement. It is better to find out on the front end, before completing all of the other forms.

The only thing I will say to them if they are hesitant, is to ask if they believe their hearing was damaged in the military. If they say “yes”, then I will reintroduce the statement for their signature. I will also mention that they were likely suffering from hearing loss and didn’t realize it.

Hearing loss and hearing related problems such as Tinnitus are some of the most common service-related medical issues veterans suffer from.

According to medical research, veterans are more likely than non-veterans to suffer severe hearing impairment.

Most of the hearing loss cases in the military typically occur as a result of prolonged noise exposure from things such as flight lines, aircraft, bombs, tanks, gunfire, combat deployments, and training incidents, among many others.

The following is needed to establish service connection for VA disability:

1. Unlike almost every other condition you would file a claim for, with hearing loss a nexus statement such as: “My hearing loss and tinnitus began in the military. I have had it ever since and have it this day.” Can be used with or without a current diagnosis.
2. Evidence of an event that caused the condition. To meet this criteria, the VA generally goes by MOS, and
3. A medical opinion linking the current hearing condition to the event in service or nexus. This is generally done as a result of the VA Compensation Exam.
4. Sending a current audiogram may do more harm than good. Be careful with this. I don't even mention that Vet is currently being treated by VA audiology.

When the VA does their exam, in addition to providing an opinion, they will administer the following tests to the Veteran:

**Maryland CNC Test:** This test measures hearing loss in veterans through a 50-word test that scores how well you recognize speech. VA uses the results of this test to determine if your hearing loss qualifies for disability and, if so, to rate the severity of your condition. (The VA uses The Institute of Medicine 2006 study Noise and Military Service: Implications for Hearing Loss and Tinnitus)

- Tip:** Tell the Veteran to ask examiner before the test starts how the examiner would like the Veteran to respond if they do not have a guess to the word.

•**Puretone Audiometric Test:** This test determines your level of general hearing loss by measuring the faintest tones you can pick up on. In other words, you typically wear a set of headphones and raise your hand when you hear a beep.

•**Tip:** Tell your Veteran to resist the urge to “lean into” or close their eyes on this portion of the test. It tends to make them hit the button when they think they may have heard a tone. Tell them to relax and not over concentrate.

What to do when your  
Veteran is denied service  
connection because of  
the 2006 study.

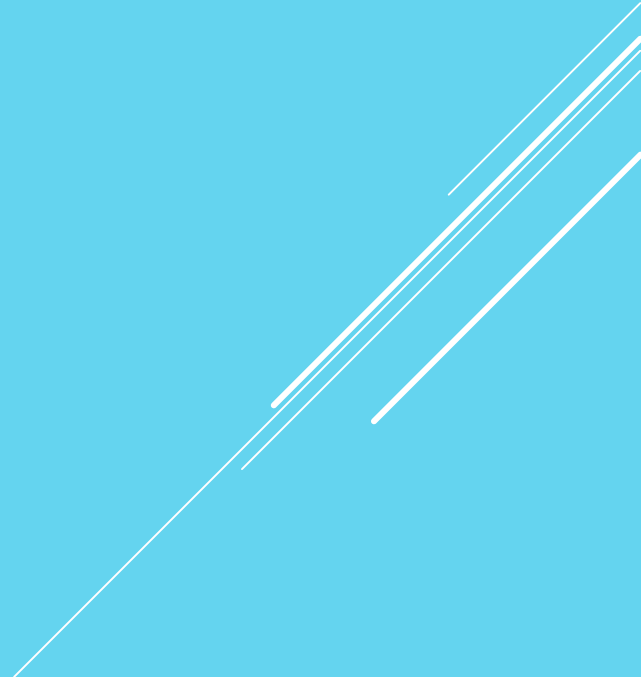


You should identify audiologists in your area that administer the Maryland CNC test and find out if they agree with the **Qiong Wang and Steven H. Green study published in The Journal of Neuroscience, May 25, 2011** that concluded:

“In humans, exposure to noise while young, even at a level that does not compromise hair cells, is associated with accelerated age-related hearing loss in the aging individual, indicating that deleterious effects of noise continue long after the exposure has ended.”



Scrub your Veteran's STR's and locate, at minimum, their entry and exit audiograms for them to take with them to the independent audiologist.





### Maryland CNC Word List

Speech	%
Right	
Left	

I recommended that \_\_\_ continue to use his hearing aids on a daily basis and to check with his VA audiologist about a ComPilot and TV Link, an assistive device specific to his hearing aids, to enhance television listening. I also recommended that he use hearing protection whenever he is exposed to excessive noise.

If you have any questions or I can be of further service, please do not hesitate to contact me.

Sincerely,

Include with private test results a 21-4138 with the following:

Per telephone call/meeting with Veteran.

Veteran does not wish or plan to attend a new Audio Comp/Pen exam.

Veteran submitted new and material evidence from Dr \*\*\*\*, including letter and tests. Dr. \*\*\*\* includes all of the VA required tests and information, therefore, a new Comp/Pen exam is redundant and not necessary.

Thank you in advance for using Dr \*\*\*\*'s exam.

Please see references why new exam not required.

I.1.C.3.c. Reviewing Evidence of Record Prior to Requesting Examination An examination or opinion is only necessary when there is not sufficient medical evidence of record to make a decision on the claim. • Prior to requesting an examination or opinion, review the available medical evidence to determine if such evidence is sufficient to rate the claim. • If evidence, such as a Disability Benefits Questionnaire (DBQ), a private physician's report, or private medical opinion, is received and such records are fully sufficient to rate the claim then do not order an examination.

III.iv.5.A.3.i. Statements From Physicians as Acceptable Evidence for Rating Purposes Without Further Examination A statement from any physician can be accepted for rating purposes without further examination if it • is otherwise sufficient for rating purposes, and • includes clinical manifestations and substantiation of diagnosis by 2 findings of diagnostic techniques generally accepted by medical authorities

§3.326 Examinations. For purposes of this section, the term examination includes periods of hospital observation when required by VA. (a) Where there is a claim for disability compensation or pension but medical evidence accompanying the claim is not adequate for rating purposes, a Department of Veterans Affairs examination will be authorized. This paragraph applies to original and reopened claims as well as claims for increase submitted by a veteran, surviving spouse, parent, or child. Individuals for whom an examination has been scheduled are required to report for the examination. (b) Provided that it is otherwise adequate for rating purposes, any hospital report, or any examination report, from any government or private institution may be accepted for rating a claim without further examination. However, monetary benefits to a former prisoner of war will not be denied unless the claimant has been offered a complete physical examination conducted at a Department of Veterans Affairs hospital or outpatient clinic. (c) Provided that it is otherwise adequate for rating purposes, a statement from a private physician may be accepted for rating a claim without further examination.

Following submitting the private exam results and opinion, be sure to instruct your Veteran to **NOT** attend any additional exam ordered by the VA. Attending another exam will nullify any favorable findings presented in the private exam records.

Warn your Veteran that the contractor will pressure them into attending a new exam, threatening them their claim will be denied if they don't. They must hold firm. Remember the contractor wants to get paid, they don't care about the Veteran.



Do not allow your Veteran to give up before they have gotten a BVA decision when you have a private medical decision such as the one we just covered.

**NEVER QUIT!**

The last man standing wins.

