Hearing Loss & Tinnitus:
What You Need to Know

Veterans:
A Simple Guide for Your Claim

www.LegalHelpforVeterans.com
Brigadier General Carol Ann Fausone (ret.)

Brigadier General Carol Ann Fausone (ret.) served for 36 years with the U.S. Air Force and Michigan National Guard. As a nurse, her duty assignments took her around the country, and the world, assisting commanders with troop readiness.

Legal Help For Veterans, PLLC

Legal Help For Veterans, PLLC is a law firm dedicated to assisting our Nation's veterans receive the veterans disability compensation to which they are entitled based on their service to the country.

The law firm has been assisting veterans since 1998. Our legal staff has decades of experience in dealing with medical disability matters and employs a network of medical specialists, many former military physicians, who can insure your claim has the best likelihood of success. Our staff includes former officers and enlisted personnel, health care professionals, and dedicated individuals.

We have an acclaimed national practice representing veterans from across the country. This representation occurs at the United States Court of Appeals for Veteran Claims, the Board of Veteran Appeals, and the regional offices throughout the country.

Over the years, Legal Help For Veterans has become a trusted name in the legal community for providing services to veterans. Our lawyers are regularly asked by law schools, bar associations, and veterans’ service organizations to lecture and train others to practice in this area.

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This book will cover the basics of how the Department of Veterans Affairs (VA) determines the level of hearing loss and the process for receiving compensation for treatment of hearing loss and tinnitus. Hearing loss and tinnitus are particularly common disabilities found in veterans. Unfortunately, because so many veterans are affected, the government limits those who can receive compensation through regulations.

While hearing loss can be due to a number of factors, including use of medication and old age, approximately one-fourth of cases are due to noise exposure from service. Tinnitus is the ringing, buzzing, roaring, or clicking sound perceived in the ears. There is no objective way to determine whether you have tinnitus. So if you are experiencing ringing in the ears, you should indicate that upon discharge to increase your likelihood of receiving compensation for its treatment.

The most important factor that determines whether you will receive compensation from the VA is if your hearing loss and/or tinnitus is linked to your time in service.
Eligibility for most VA benefits is based upon discharge from active military service under other than dishonorable conditions. Active service means:

- Full-time service as a member of the Army, Navy, Air Force, Marine Corps, or Coast Guard.
- Commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration (NOAA).
- Reservists and National Guard members may also qualify for VA health care benefits if they were called to active duty (other than for training only) by a Federal Order and completed the full period for which they were called or ordered to active duty.

Dishonorable and bad conduct discharges issued by general court-martial may bar VA benefits. Veterans in prison and parolees must contact a VA regional office to determine eligibility. VA benefits will not be provided to any veterans with an outstanding felony warrant.
How to Apply for Compensation

The actual process to apply for compensation for your hearing loss or tinnitus is quite simple and straightforward. First, you have to file a claim by simply contacting a Veteran Service Organization (VSO), a county counselor, or your local VA Regional Office and notifying them that you need to file a hearing loss and/or tinnitus claim. The claim form, with your name and either your social security number or your service number, will initiate the process for your claim. A VSO or county counselor can help you fill out your claim form.
If you have hearing loss, that does not mean that it is significant enough by VA standards to receive compensation. The first step is to prove that you have a certain level of hearing loss. The VA considers two factors for rating hearing loss after an examination:

1. Decibel loss at five different frequency ranges (low to high). An audiogram measures the level of decibel loss at the various thresholds. For VA purposes, an average loss of 26 or more decibels in three of the five frequency ranges constitutes hearing loss.

2. Speech discrimination — how well you can hear normal conversation. This test involves the presentation of a series of monosyllabic words and determining how well you can hear them. A “speech recognition” score of lower than 94% corresponds to a number related to hearing loss.

Even if an audiogram shows that one ear is 100% deaf, you are still not guaranteed compensation. If the hearing loss in the other ear is not significant, your likelihood of receiving benefits decreases.
The second step relates to the service-connection for the hearing loss. Determining that your hearing loss is connected to your time in service can make or break whether you receive compensation. VA audiologists infrequently link hearing loss with noise exposure in service if there is any other plausible contributing cause.

**Military Occupation Specialty (MOS)**

Depending on your MOS, your chances of getting benefits may increase or decrease. For example, flight mechanics have “noise exposure conceded,” meaning that it’s given they were subjected to high noise levels during their time in service. However, aircraft pilots whose cockpits are sound-insulated are not automatically given the concession. Therefore, the individual facts of your case will be important.

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**Case Study Examples for Hearing Loss Claims**

- **Approved Claim**: a navy veteran who worked in a boiler room of a ship has noise-exposure conceded, and is quickly approved for compensation.
- **Denied Claim**: a navy veteran who loaded and fired canons during the 1960s because too much time has elapsed since his time in service, he is denied benefits.
- **Half-and-Half**: an aircraft pilot whose right ear is completely deaf is approved for compensation for that ear only. His left ear does not have significant enough hearing loss for further benefits.
- **Approved on Appeal**: an army veteran who monitored ordinance explosions in the 1950s is denied at first because too much time has elapsed to prove service-connection for hearing loss. Legal Help For Veterans appealed the case, and noise-exposure was conceded for this veteran, who ultimately received compensation.
Service-Connected Hearing Loss

Getting a Service-Connected Opinion

Today, hearing exams are administered when you enter service and once you leave service, and occasionally in the middle of your time in service. If these exams show a noticeable decrease in hearing ability over time, there’s a good chance your hearing loss is service-connected.

However, because VA audiologists may not give an opinion that hearing loss is service-connected, a private medical statement can be money well spent to obtain a favorable opinion.

Veterans who served in Vietnam and before, generally have more work to do in order to show that their hearing loss is service-connected because of the passage of time. If you receive an unfavorable opinion, you can appeal your claim. The team at Legal Help For Veterans has experience handling such claims for veterans nationwide.
Like hearing loss, tinnitus must be service-connected. It is generally continuous and can begin in service, and has afflicted the veteran at some level since discharge. The maximum compensation for service connection is 10%. The only further requirement for that 10% evaluation is that tinnitus is “recurrent,” which is defined as “returning or happening time after time.” The condition may be less distracting at times and more distracting at other times, but it is always present in varying degrees.

Only a single 10% disability evaluation is available for tinnitus, whether it is perceived in one ear or both ears.

If you are service-connected for hearing loss or tinnitus, you can receive medical care for those conditions at a VA medical facility. Veterans who receive health care from the VA, but aren’t service-connected for any disability, can also receive hearing aids, but may have to pay a fee.

If you have a combined disability rating of 50% or more for all of your service-connected disabilities, you are eligible to receive health care from the VA for any medical conditions, and you can receive medical treatment from the VA for hearing loss.
“It is our duty to protect those who protect us.”

- Brigadier General Carol Ann Fausone (ret.)