Tah a moment and picture a typical
workers’ compensation injury. What
you probably did not picture was the
violent assault of vibrating sound
waves upon the delicate structures within the in-
ner ear. In fact, workers exposed to hazardous
noise within the workplace do not generally as-
sociate their loss of hearing to a work-related in-
jury for which they may be entitled to significant
benefits.

The prevalence of work-related hearing loss is
well documented. The United States Department
of Labor estimates that approximately 30 million
people are exposed to hazardous noise within the
workplace every year and over the last 25 years
ranks noise-related hearing loss as, “one of the
most prevalent occupational health concerns” in
the United States. Given those estimates, in the
United States alone, potentially more than 145
million people have been exposed to hazardous
noise in the workplace.

Given these statistics, one would assume that
work-related hearing loss claims would rep-
sent a substantial percentage of total work-
ers’ compensation claims, especially in a state
like Ohio where employees are engaged in jobs
where risk to noise exposure is greatest. Pro-
duction and construction workers; craft and/or
repair workers; machine operators; assemblers;
inspectors; and service personnel (police, fire,
etc.) represent a high percentage of the total
workforce. This is, however, not the case in Ohio
where hearing loss claims represent a relatively
small percentage of all claims filed.

Physicians who treat hearing loss are gener-
ally not aware that workers’ compensation is
an option to cover treatment costs or may not
know how simple it is to establish a claim where
there is documented exposure to loud noise in the
workplace. OSHA requires that employ-
ers in Ohio that expose workers to hazardous
noise levels provide annual hearing tests, hear-
ing protection, training, and monitor noise lev-
els within the workplace. If a patient who suffers
from hearing loss was employed in a workplace
subject to these requirements then exposure is
usually accepted. It is not an effective defense for
an employer to simply argue that protection was
provided. Where it is established that hearing
loss has occurred and that exposure to noise in
the workplace contributed to damage to the au-
ditory system, a claim may be pursued regardless
of whether protection was provided, utilized or
even not utilized by the injured worker.

In addition, a claim is not precluded simply
because the diagnosis occurs several years after
the exposure occurred. In Ohio, the statute of
limitations to file a claim for hearing loss is two
years from the date the injured worker is made
aware that the hearing loss is the result of work-
related exposure. In other words the statute be-
gins to run upon the diagnosis of the condition
by a physician as an occupational disease.

The full extent of the benefits available under
a claim for hearing loss may not be realized by
either the physician or the injured worker. Medi-
cal treatment, including annual exams to moni-
tor deterioration and necessary hearing aids, are
covered in full, relieving the injured worker from
expensive co-pays. In addition, other conditions
caus ed by noise exposure can be incorporated
into the claim and treated. Vertigo is a common
symptom of inner ear damage and can lead to
flow-through injuries as a result of falls due to
dizziness. Tinnitus, ringing in the ears, is a se-
rious condition that can lead to insomnia and
anxiety. These or any conditions causally related
to the work-related hearing loss by a physician
can be treated under an allowed claim.

The workers’ compensation statute also pro-
vides a monetary award for total hearing loss.
“Total loss of hearing” as defined by the statute,
does not mean that the injured worker is no lon-
ger able to perceive any sound. Within the con-
text of the statute, the word “hearing” connotes
the ability to comprehend everyday speech. The
mere fact that a person is able to discern certain
sounds does not prevent a finding of a total loss
of hearing if the person is unable to hear and
comprehend the spoken word. State of Ohio, ex
rel. Sheller-Globe Corporation, Superior-Lima Di-
vision, Relator, v. Industrial Commission of Ohio,
(1981) 66 Ohio St.2d 51. It is vital for injured
workers and medical providers to understand
this definition because in many instances, hear-
ing aids are prescribed precisely when an indi-
vidual can no longer participate in normal con-
versation without them. The fact that the hearing
device is necessary and covered under the claim
is evidence supporting the payment of the sig-
nificant total loss award. The statutory award in
a 2015 workers’ compensation claim is a lump
sum payment of $107,750.

Given the potential severity of the injury and
impairment coupled with the prevalence of the
work-related exposure it is evident that injured
workers’ rights to workers’ compensation bene-
fits for employment-induced hearing loss are too
infrequently exercised. With better understand-
ing of the benefits available and the documen-
tation necessary to access those benefits more
injured workers suffering from noise-induced
hearing loss in the workplace can seek payment
of benefits through the workers’ compensation
program. The workers’ compensation statute is
specifically enacted to provide benefits to those
injured as a result of their employment. Any in-
dividual who suffers from hearing deficits and is
or was exposed to hazardous noise in the course
of their employment should discuss with their
physician and a workers’ compensation attorney
whether they qualify for benefits.