This is the highest schedular evaluation allowed under the law for this condition.

3. Service connection for bilateral hearing loss.

Service connection for bilateral hearing loss is denied. Service connection for the right ear is denied because your hearing loss has not been linked to service. Service connection for the left ear is denied because there is no evidence that you currently have a hearing loss for VA purposes.

Service connection may not be established for disability due to impaired hearing unless the auditory threshold in any of the frequencies 500, 1000, 2000, 3000 or 4000 Hertz is 40 decibels or greater; or the auditory thresholds for at least three of the frequencies 500, 1000, 2000, 3000 or 4000 Hertz are 26 decibels or greater; or speech recognition scores using the Maryland CNC Test are less than 94 percent. (38 CFR 3.385).

There are no audiometric findings in your service treatment records that meet the above requirements.

Although right ear hearing loss is not shown in service, acoustic trauma or military noise exposure may constitute injury of the ear. Medical expertise is needed to establish a link between your current hearing loss and in-service military noise exposure. However, to this date, we have received no medical records showing that your right ear hearing loss is due to service. You have in-service acoustic trauma, but service connection for your left ear based on military noise exposure alone cannot be granted. For service connection of the left ear to be considered there must first be a showing of actual hearing loss in the left ear for VA purposes.

Your VA examiner opined that it is not at least as likely as not than not that your hearing loss is due to military noise exposure. Your examiner provided the following rationale: Hearing was within normal limits on enlistment and separation, and there is no evidence of an OSHA-defined threshold shift during military service.

VA examination findings show the left ear with 100 percent discrimination. Decibel (dB) loss at the puretone threshold of 500 Hertz (Hz) is 20 with a 10 dB loss at 1000 Hz, a 15 dB loss at 2000 Hz, a 15 dB loss at 3000 Hz, and a 15 dB loss at 4000 Hz. The average decibel loss is 14 in the left ear. The right ear shows a speech discrimination of 100 percent. Decibel (dB) loss at the puretone threshold of 500 Hertz (Hz) is 30 with a 20 dB loss at 1000 Hz, a 15 dB loss at 2000 Hz, a 15 dB loss at 3000 Hz, and a 40 dB loss at 4000 Hz. The average decibel loss is 23 in the right ear.

The evidence shows that you currently have hearing loss in your right ear for VA purposes, but service connection cannot be granted without a medical link between your hearing loss and military service. Although you currently have a hearing loss in your right ear for VA purposes, there is no medical link between your hearing loss and service. In the absence of such a link, service connection may not be granted. In this case, the evidence of record does not show current audiometric findings which meet the criteria for a grant of service connection for left ear hearing loss. As you do not currently meet the criteria for hearing loss in your left ear for VA purposes,

service connection may not be granted. In addition, there is no evidence that disabling sensorineural hearing loss manifested itself to a compensable degree within a year of service.

REFERENCES:

Title 38 of the Code of Federal Regulations, Pensions, Bonuses and Veterans' Relief contains the regulations of the Department of Veterans Affairs which govern entitlement to all veteran benefits. For additional information regarding applicable laws and regulations, please consult your local library, or visit us at our web site, www.va.gov.