



**DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefits Administration
VA Regional Office**

JOSEPH FILSTRUP

**VA File Number
361 52 8653**

**Represented By:
CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS
Rating Decision
01/06/2021**

INTRODUCTION

The records reflect that you are a Veteran of the Gulf War Era. You served in the Army from March 31, 1993 to March 30, 1997. You filed a new claim for benefits that was received on November 23, 2020. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

1. Evaluation of hearing loss, left, which is currently 0 percent disabling, is continued.
2. Service connection for Right Ear hearing loss is denied.

EVIDENCE

- Service Treatment Records, for the period March 31, 1993 to March 30, 1997
- VA 21-526EZ, Fully Developed Claim (Compensation), received on November 23, 2020
- VA 21-4142 Authorization for Release of Information, received on November 23, 2020



- Third Party Release of Information, received on November 23, 2020
- VA 21-22 Appointment of Veterans Serv. Org. as Claimant Rep, received on November 23, 2020
- Notification Letter (e.g. VA 20-8993, VA 21-0290, PCGL), received on November 28, 2020
- Notification Letter (e.g. VA 20-8993, VA 21-0290, PCGL), received on November 30, 2020
- Notification Letter (e.g. VA 20-8993, VA 21-0290, PCGL), received on December 16, 2020
- Exam Request, received on December 03, 2020
- C&P Exam, received on December 18, 2020
- C&P Exam, received on December 18, 2020
- C&P Exam, received on December 18, 2020
- C&P Exam, received on December 18, 2020
- C&P Exam, received on December 18, 2020
- VAMC (Martinez Veterans Affairs Medical Center) treatment records, for the period
December 15, 2020 to December 21, 2020
- C&P Exam, received on December 22, 2020
- C&P Exam, received on December 22, 2020
- VA 21-0820 Report of General Information, received on December 31, 2020
- C&P Exam, received on January 04, 2021
- Notification Letter (e.g. VA 20-8993, VA 21-0290, PCGL), received on January 05, 2021
- C&P Exam, received on January 04, 2021

REASONS FOR DECISION

1. Evaluation of hearing loss, left currently evaluated as 0 percent disabling.

The evaluation of left ear hearing loss is continued as 0 percent disabling. (38 CFR 4.85)

An evaluation of 0 percent is assigned because your left ear has a speech discrimination of 100 with an average decibel loss of 38. The evaluation for hearing loss is based on objective testing. Higher evaluations are assigned for more severe hearing impairment. (38 CFR 4.85)

2. Service connection for Right Ear hearing loss.

Service connection for right ear hearing loss is denied because your right ear hearing is normal. (38 CFR 3.303, 38 CFR 3.304, 38 CFR 3.385)

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 for your right ear.



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Your VA examiner opined that it is less likely than not that your right ear hearing loss is due to military noise exposure. Your examiner provided the following rationale: Your hearing is normal for VA purposes .

VA examination findings show the right ear with 100 percent discrimination. Decibel (dB) loss at the puretone threshold of 500 Hertz (Hz) is 10, at 1000 Hz is 10, at 2000 Hz is 15, at 3000 Hz is 20, and at 4000 Hz is 25. The average decibel loss is 18 in the right ear.

In this case, the evidence of record does not show current audiometric findings which meet the criteria for a grant of service connection for hearing loss. As you do not currently meet the criteria for hearing loss in your right 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. (38 CFR 3.303, 38 CFR 3.304, 38 CFR 3.307, 38 CFR 3.309, 38 CFR 3.385)

Favorable Findings identified in this decision:

The evidence shows that a qualifying event, injury, or disease had its onset during your service. The DD214 shows you served as a Los Transmission System Operator with a moderate probability of hazardous noise exposure.

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 website, www.va.gov.

