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State of New York Court of Appeals

In the Matter of the Claim of

ANDREW P. DeWOLF, Appellant,

v.

WAYNE COUNTY et al., Respondents

WORKERS' COMPENSATION BOARD, Respondent.

June 27, 2023

Facts: The claimant filed an occupational hearing loss claim. Although the WCLJ established the claim, the Board Panel reversed, finding that the claimant failed to meet the burden of establishing a relationship between his injury and his employment by competent medical evidence.

Holding: *Affirmed.*

Discussion: Claimant testified that he suffered hearing loss due to repeated exposure to loud siren and radio noise at work. The claimant testified that he worked full time, sometimes in excess of 60 hours per week, but that he could not quantify how often he was exposed to loud noise. Claimant could not quantify the decibel level of noise but he did testify that he could carry on a conversation in the vehicle with the siren on. Claimant also testified that he has hunted recreationally for the past 26 years without consistently wearing ear protection. Furthermore, the Board found the claimant's medical testimony to be speculative in nature as the doctor did not have specifics regarding the nature of the claimant's noise exposure.