

GREY & GREY, LLP
ATTORNEYS AT LAW

360 Main Street, Farmingdale, NY 11735
(516) 249-1342

David P. Grey – Ret.
Robert E. Grey
Brian P. O’Keefe
Kevin M. Plante
Daniel A. Dutton
Alissa P. Gardos
Sherman B. Kerner
Frank J. Culhane

Elliot M. Feit*
Ronald L. Epstein
Peter Tufo
Steven D. Rhoads
Sasha Shafeek
William C. Mahlan, Jr.
Christa M. Collins
Samantha H. Scavron
Daniel Pearlstein
* Counsel

WHAT YOU NEED TO KNOW ABOUT OCCUPATIONAL HEARING LOSS

WHAT IS OCCUPATIONAL HEARING LOSS?

It is well known that exposure to loud noise can damage your hearing. It has also been found that people who work in jobs where they are routinely exposed to loud noise often suffer from hearing loss. This is called “occupational hearing loss” in the workers’ compensation system. Many jobs in construction, transportation, and manufacturing involve significant noise exposure and result in hearing loss.

WHAT CAN I DO ABOUT IT?

The best defense against occupational hearing loss is the use of hearing protection, preferably over-ear protective devices. Unfortunately, the nature of many jobs either prevents these devices from being used or requires that they be taken off from time to time, reducing their effectiveness.

WHAT BENEFITS ARE AVAILABLE?

If you work in a noisy occupation for more than 90 days, the New York State Workers’ Compensation Law provides money awards for occupational hearing loss. The loss must be within a certain range, and must be greater than typical age-related hearing loss. An attorney with experience in occupational hearing loss cases can tell whether your hearing loss is in the “compensable range” by looking at the results of a hearing test (called an audiogram).

NASSAU*

360 Main Street
Farmingdale, NY 11735
(516) 249-1342

**Direct all mail to Nassau office.*

SUFFOLK

646 Main Street
Port Jefferson, NY 11777
(631) 249-1342

QUEENS

118-21 Queens Boulevard
Suite 618
Forest Hills, NY 11375
(718) 268-5300

MANHATTAN

115 Broadway
Suite 403
New York, NY 10006
(212) 964-1342

BRONX

305 East 149th Street
Second Floor
Bronx, NY 10451
(718) 268-5300

WESTCHESTER

203 East Post Road
Suite E
White Plains, NY 10601
(914) 984-2292

The amount of the money benefits that you might receive depends on several factors, including how much you earn, when your claim is filed, and the extent of your hearing loss. In some cases, the award may be a few thousand dollars; in others, it may be tens of thousands of dollars.

If there is a compensable hearing loss, then medical treatment (including hearing aids) is also covered by workers' compensation.

WHEN SHOULD I FILE?

The law offers a wide range of time limits for the filing of occupational hearing loss claims. However, if you file too late you may still be denied benefits. In general, the rule is that you must wait three months after you are removed from noise exposure to file your claim, and then you must file within two years. Therefore the time limit is normally two years and three months after you are removed from the noise-exposed job.

Removal from the noise exposure can be retirement, transfer to a non-noise-exposed job, or the use of effective hearing protection provided by the employer. However, if you are removed from the noise exposure but are still employed by the same employer, you can wait until you leave that employer to file the claim – the law does not require you to file a hearing loss claim against your current employer.

In general, if you are a long-term employee of a single employer, you should file a hearing loss claim when you retire. However, if you are out of work for 3 months or more because of another medical problem, injury, or situation, you may file a hearing loss claim while still employed. We recommend that you have your audiogram checked before filing a claim. If the audiogram does not show a compensable hearing loss, it may be best not to file.

If a retired worker discovers a hearing loss more than 2 years and 3 months after retirement, or does not learn that it is work-related until the time limitation has expired, the law provides an additional 90 days to file a claim from the date the hearing loss is discovered, even if it is beyond the usual time limitation. However, these claims are difficult; it is best to have your hearing checked, the audiogram reviewed, and the claim filed soon after you retire (or are removed from the noise-exposed job).

HOW CAN WE HELP?

At Grey & Grey, our job is to make sure that you get the benefits you are entitled to. If you call us, we will review your audiogram, file your claim, advise you about the necessary medical evidence, and represent you at the Workers' Compensation Board. If you have any questions, or if you think you might have a claim, please call one of our offices.