

RAYMOND WATERS)	
)	
Claimant-Respondent)	
)	
v.)	
)	
INGALLS SHIPBUILDING,)	DATE ISSUED:
INCORPORATED)	
)	
Self-Insured)	
Employer-Respondent)	
)	
DIRECTOR, OFFICE OF WORKERS')	
COMPENSATION PROGRAMS,)	
UNITED STATES DEPARTMENT)	
OF LABOR)	
)	
Petitioner)	DECISION and ORDER

Appeal of the Decision and Order - Awarding Benefits of Richard D. Mills, Administrative Law Judge, United States Department of Labor.

Traci M. Castille (Franke, Rainey & Salloum), Gulfport, Mississippi, for self-insured employer.

LuAnn Kressley (J. Davitt McAteer, Acting Solicitor of Labor; Carol DeDeo, Associate Solicitor; Janet R. Dunlop, Counsel for Longshore), Washington, D.C., for the Director, Office of Workers' Compensation Programs, United States Department of Labor.

Before: HALL, Chief Administrative Appeals Judge, SMITH and DOLDER, Administrative Appeals Judges.

PER CURIAM:

The Director, Office of Workers' Compensation Programs (the Director), appeals the Decision and Order - Awarding Benefits (94-LHC-3412) of Administrative Law Judge Richard D. Mills rendered on a claim filed pursuant to the provisions of the Longshore and Harbor Workers' Compensation Act, as amended, 33 U.S.C. §901 *et seq.* (the Act). We must affirm the findings of fact and conclusions of law of the administrative law judge which are rational, supported by substantial evidence, and in accordance with law. *O'Keeffe v. Smith, Hinchman & Grylls Associates, Inc.*, 380 U.S. 359 (1965); 33 U.S.C. §921(b)(3).

On April 1, 1992, claimant filed a notice of injury and a claim for hearing loss benefits against employer for whom claimant last worked on March 31, 1953. In his Decision and Order, the administrative law judge awarded claimant benefits for a 48.85 percent binaural impairment pursuant to 33 U.S.C. §908(c)(13)(B). The administrative law judge also held employer liable for interest on any sums determined to be due and owing as of April 1, 1992, the date of the notice of injury.

On appeal, the Director contends that interest should accrue as of March 31, 1953, the date of claimant's last covered exposure to injurious noise, and not from when employer obtained knowledge of claimant's injury. Specifically, the Director asserts that the payment of interest from the last day of injurious noise exposure is necessary to fully compensate claimant. Employer responds, urging affirmance of the administrative law judge's Decision and Order. Claimant has not filed a brief in the instant matter.

Since the parties filed their briefs on appeal in the instant case, the Board issued its decision in *Renfroe v. Ingalls Shipbuilding, Inc.*, 30 BRBS 101 (1996)(*en banc*), which is dispositive of the issue raised by the Director. *See also Meardry v. International Paper Co.*, ___ BRBS ___, BRB Nos. 93-1693/A (Sept. 12, 1996). In *Renfroe*, the Board held that in a hearing loss case, interest accrues on compensation from the date benefits become due under Section 14(b), 33 U.S.C. §914(b), and accrues on all benefits due and unpaid from that date until they are paid. The Board held that an employer cannot wrongfully withhold or delay the payment of benefits until they are "due," and benefits do not become "due" under Section 14(b) until employer has knowledge of the injury, or notice of the injury pursuant to Section 12, 33 U.S.C. §912. *Renfroe*, 30 BRBS at 105, 107. Therefore, for the reasons set forth in *Renfroe*, we reject the Director's contention that interest should accrue as of the date of last exposure to injurious noise. We thus affirm the administrative law judge's determination that employer is liable for interest on benefits accruing as of April 1, 1992, the date of the notice of injury.

Accordingly, the administrative law judge's Decision and Order - Awarding Benefits is affirmed.

SO ORDERED.

BETTY JEAN HALL, Chief
Administrative Appeals Judge

ROY P. SMITH
Administrative Appeals Judge

NANCY S. DOLDER
Administrative Appeals Judge