

MILTON SHINN)	
)	
Claimant-Petitioner)	
)	
v.)	DATE ISSUED: _____
)	
INGALLS SHIPBUILDING,)	
INCORPORATED)	
)	
Self-Insured)	
Employer-Respondent)	DECISION and ORDER

Appeal of the Decision and Order Granting Claimant's Motion For Summary Decision and Awarding Benefits of Richard D. Mills, Administrative Law Judge, United States Department of Labor.

Mitchell G. Lattof, Sr. (Lattof & Lattof, P.C.), Mobile, Alabama, for claimant.

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

Before: SMITH, BROWN and McGRANERY, Administrative Appeals Judges.

PER CURIAM:

Claimant appeals the Decision and Order Granting Claimant's Motion For Summary Decision and Awarding Benefits (95-LHC-1413) 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 if they 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 June 22, 1994, claimant filed a notice of injury and a claim for hearing loss benefits against employer for whom claimant last worked on March 28, 1979. In his Decision and Order, the administrative law judge awarded claimant benefits for a 16.6 percent binaural impairment pursuant to 33 U.S.C. §908(c)(13). The administrative law judge also held employer liable for interest on any sums determined to be due and owing as of June 22, 1994, the date of the notice of injury.

On appeal, claimant contends that interest should accrue as of March 28, 1979, the date of claimant's last exposure to injurious noise, and not from when employer obtained knowledge of

claimant's injury. Employer responds, urging affirmance of the administrative law judge's Decision and Order.

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 claimant. 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; *see also Meardry v. International Paper Co.*, ___ BRBS ___, BRB Nos. 93-1693/A (Sept. 12, 1996). Therefore, for the reasons set forth in *Renfroe*, we reject claimant's contention that interest should accrue as of the date of last exposure to injurious noise, and not as of the date that employer obtained knowledge of claimant's injury. We thus affirm the administrative law judge's determination that employer is liable for interest on benefits accruing as of June 22, 1994, the date of the notice of injury.

Accordingly, the administrative law judge's Decision and Order Granting Claimant's Motion For Summary Decision and Awarding Benefits is affirmed.

SO ORDERED.

ROY P. SMITH
Administrative Appeals Judge

JAMES F. BROWN
Administrative Appeals Judge

REGINA C. McGRANERY
Administrative Appeals Judge