

# United States Senate

WASHINGTON, DC 20510

April 25, 2022

The Honorable Denis R. McDonough  
Secretary  
Department of Veterans Affairs  
810 Vermont Ave NW  
Washington, DC 20571

Dear Secretary McDonough,

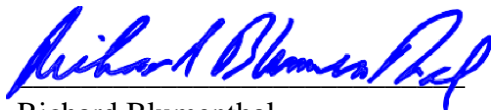
We are writing to express our concerns about the VA's proposed changes to the disability rating system for tinnitus, which is currently one of the most common service-connected disabilities recognized by VA. This assertion aligns with the Millennium Cohort Study's 20-Year Report—a joint Department of Defense and VA effort—which found veterans and servicemembers reported tinnitus, or high-pitched ringing caused by damage to the ears, in the top five most common health diagnoses. For the estimated 1.5 million men and women who are rated with the condition and served our country, tinnitus is more than just an irritating ringing of the ears; tinnitus is often associated with other related conditions, like chronic fatigue, migraines, or mental health issues. VA has historically recognized tinnitus to be a consequence of head injury, concussion, or acoustic trauma, which as millions of veterans could attest, frequently occurs during service—in garrison or in war zones. Unfortunately even now, juries across the country continue to award million-dollar verdicts to veterans who alleged that defective hearing protection equipment caused severe tinnitus and hearing loss.

VA's proposed rule change suggests that “[w]hile not intended by VA, [VA's 1999 tinnitus rule] created the impression that tinnitus is an independent condition, rather than a symptom associated with an underlying condition[,]” and that this proposed rule would “accurately restore the medically-supported relationship between tinnitus and an underlying pathology, consistent with current medical practice.” In other words, VA proposes to stop compensating and treating veterans for tinnitus by itself. However, if current state-of-the-art science demonstrates tinnitus to be better understood as a symptom of an “independent disease,” VA should have provided more up-to-date citations for veterans to examine during this notice-and-comment period. A singular reference to a 30-year-old study (J.L. Stouffer and Richard S. Tyler, “Characterization of tinnitus by tinnitus patients,” 55(3) *J. of Speech and Hearing Disorders*, 439-53 (Aug. 1990) undercuts the VA's practice and obligation to apply the most rigorous medical evidence and research when making determinations that carry such severe consequences for veterans. VA must not pencil-whip its way through a substantial proposal to transform its decades-long treatment of what is now its most commonly diagnosed service-connected disability. If the proposed change proceeds down this path, many veterans will be left


without VA recognition for tinnitus and access to earned benefits and treatment options, namely the hearing aid technologies so many veterans rely upon.

Regardless of the form of the final rule, we are encouraged that the Department [will not reduce any ratings for those currently compensated for tinnitus](#), unless the veteran shows improvement. Furthermore, assuming tinnitus would be better compensated through other diagnostic codes other than a standalone, we urge VA to analyze grant rates and ratings for those other codes. It would appear highly irregular if VA saw its most commonly awarded service-connected disability vanish via a wave of a regulatory wand, without a corresponding increase in the other diagnostic codes. This is not an area VA should look to implement cost-saving measures but rather use the utmost diligence in reviewing a policy that will impact millions of veterans; concern among service members and veterans in our states is immense. Whether as an independent condition or as a dependent symptom of another underlying disability, tinnitus negatively impacts millions of veterans who otherwise would not suffer but for their sacrifices on behalf of our nation. We cannot deny veterans the health care and benefits for service-connected suffering on medical semantics alone.

Sincerely,



Richard Blumenthal  
United States Senator



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Jon Tester  
Chairman, United States Senate  
Committee on Veterans' Affairs