

Extraordinary Injury Fund Methodology

For 3M Combat Arms v2 Earplug Settlement (MSA I and MSA III)

November 6, 2023

I. Introduction to the Extraordinary Injury Fund

Claimants with documentary proof of any of the following injuries are eligible to submit an Extraordinary Injury Fund (“EIF”) Application for EIF Awards. Claimants may submit an EIF Application for all the EIF Categories for which they meet the eligibility criteria and may be compensated for multiple EIF Categories. To submit an EIF Application, MSA I Claimants already must be registered and eligible for either the Expedited Pay Program or Deferred Pay Full Evaluation Program. Similarly, to submit an EIF Application, MSA III Claimants already must be registered and eligible for the Settlement Program for “Wave” Claimants.

Counsel must submit the documentary proof required for each EIF Category for which the Claimant is applying. The submitted documentary proof must have no more than the allowable bookmarked pages. All pages of a document from which bookmarked proof is submitted must be included in the submission. Only the bookmarked pages will be reviewed for purposes of determining if the Claimant is eligible for the EIF Category for which they apply. EIF Applications and instructions for submitting EIF Applications and supporting documentations will be provided by the Settlement Administrator at a later date.¹

Counsel must sign and return an irrevocable guarantee to pay the Application Fee with the Claimant’s EIF Application. In the EIF Application Fee Guarantee counsel will agree, consistent with the Court’s order, that if the EIF submission does not contain the documentary proof outlined for the submitted EIF Category, they will pay the Application Fee within 30 days of being notified by the Settlement Administrator that the EIF submission did not contain the required documentary proof. If the submission is determined to be valid the Application Fee will be deducted from the Claimant’s EIF Award, and counsel will be released from the EIF Application Fee Guarantee as to that Claimant.

¹ The application date for the EIF is later than the Final Registration Deadline for participation in the MSA I or MSA III Settlement Programs.

II. EIF Categories and Eligibility Criteria

The EIF Categories and eligibility criteria for MSA I Claimants are as follows:

- 1) **Hidden Hearing Loss:** Hidden Hearing Loss (“HHL”) is defined here as recorded perceived hearing difficulty despite hearing impairment thresholds that do not meet the requirements of the Expedited Pay Program or the Deferred Pay Full Evaluation Program for MSA I Claimants or the Point-Based Payment component for MSA III Claimants. MSA I Claimants with hearing loss compensated in the Expedited Pay Program or the Deferred Pay Full Evaluation Program and MSA III Claimants with hearing loss compensated in the Point-Based Payment component in the Wave Settlement Program are not eligible for an HHL EIF claim. EIF Awards for HHL may be up to \$24,000.
 - a. Allowable Bookmarked pages: 15.
 - b. Documentary proof required: Documentation must establish that the Claimant reported difficulty and perceived hearing change related to noise exposure and that testing was completed related to noise exposure through one of the below listed tests. Documentary proof must establish that the Claimant had HHL onset (diagnosis, treatment, or symptoms) any time between first use of the Combat Arms v2 Earplugs to within two years of discharge from the military or, for civilian Claimants, within two years of the date the Claimant last used the Combat Arms v2 Earplugs as stated on the Registration Form. The documentation can be dated after the 2-year window but if so the documentation must indicate that the Claimant’s HHL began within the 2-year window. Also, for all Claimants, the documentation must be dated either i) before April 1, 2019, or ii) before two years transpires from their date of discharge from the military, whichever is later.² Examples of HHL evidence include:
 - i. Extended high frequency (ultra) audiometry (9000 Hz – 160000 Hz)
 1. High frequency thresholds meeting at least mild hearing loss:
 - a. > 20 dBHL
 - ii. Otoacoustic emissions (OAEs)
 1. OAEs must show evidence of reduced cochlear function according to diagnostic recommendations (Dhar & Hall, 2018, 2012) as indicated by amplitude or signal to noise ratio (SNR):
 - a. DPOAE: dB SPL < 0 dB SPL and/or dB SNR < 6 dB SPL
 - b. TEOAE: dB SNR < 3 dB SPL
 - c. Amplitude below published normative data for equipment
 - iii. Auditory brain response (ABR) testing
 1. ABR must show evidence of neural injury defined as:
 - a. Latency and or Amplitude 2 standard deviations (SDs) poorer than published normative data (e.g., Hall, 1992).
 - iv. Immittance Measures

² See Guidance Memorandum #3 dated October 30, 2023, for Claimants who wish to use VA disability rating documentation to support their EIF submission and for Claimants still in military service status.

1. Immittance measures must show normal middle ear function (McManus et al. 2022) but absent or elevated acoustic reflex threshold defined as:
 - a. Tympanometry: for purposes of HHL, tympanometry requires normal Type A responses defined as: Admittance ≥ 0.3 and < 1.8 mmho/ml; middle ear pressure > -100 and < 50 daPa.
 - b. Acoustic Reflex Thresholds: > 100 dBHL or absent
- v. Word recognition scores (WRS)
 1. WRS must be poorer than expected with a minimal criterion of:
 - a. Word recognition score: $< 90\%$
- vi. Other speech and other signal in noise tests used to assess speech intelligibility, discrimination, and auditory temporal processing (e.g., QuickSIN, HINT, WIN, SPRINT). Manufacturer/peer-reviewed literature-based cutoffs will be used to assess evidence of injury. For example, QuickSIN > 3 dB SNR Loss will meet evidence of injury; Word in Noise (WIN) > 6 dB SNR will meet evidence of injury; Speech Recognition in Noise Test (SPRINT) $< 90\%$ (Killion et al. 2004; Nilsson et al. 1994; Wilson et al. 2003, 2007; Cord et al. 1992) will meet evidence of injury.
- vii. Hearing handicap inventory: A hearing loss inventory showing reported perceived hearing difficulty (Newman et al. 1991). e.g., HHIE/A score > 10 .
- c. Application Fee: \$250.

2) **Low Frequency / Non-DD Form Hearing Loss:** Noise trauma can impact thresholds beyond 2000-6000 Hz. Traditional audiograms capture 250-8000 Hz. The Allocation Methodologies for MSA I and MSA III utilize the Testing Frequencies of 2000, 3000, 4000 and 6000 Hz.³ Claimants may seek additional EIF compensation by demonstrating change in hearing related to noise at 250, 500, 1000, and/or 8000 Hz. The Claimant must have a Reference Audiogram and Injury Audiogram at these frequencies to determine evidence of shift related to Combat Arm v2 Earplugs use and meeting criteria of at least a mild shift (> 15 dB). Claimants cannot apply for both an HHL EIF (EIF Category #1, above) and a Low Frequency / Non-DD Form Hearing Loss EIF award.⁴ Further, Claimants who received compensation for the Slight, Mild or Moderate + increase in their Impairment Score under the Expedited Pay Program in MSA I will not be eligible for EIF awards for Low Frequency / Non-DD Form Hearing Loss unless their Impairment Score has increased more at the 250, 500, 1000, and/or 8000 Hz frequencies utilized in the Low Frequency / Non-DD Form Hearing Loss category than in the 2000, 3000, 4000 and 6000 Hz Testing Frequency for which they qualify in Expedited Pay Program.⁵ EIF awards for Low Frequency / Non-DD Form Hearing Loss may be up to \$100,000.

³ E.g., for the MSA I Expedited Pay Program and the Deferred Pay Full Evaluation Program as well as the for the MSA III Point-Based Component.

⁴ Hearing loss at these frequencies no longer meets criteria for HHL, which requires normal thresholds at traditional testing frequencies.

⁵ The rationale for this rule is that in the Expedited Pay Program (EPP) a Claimant receives a single payment level (Slight, Mild, Moderate+) that represents their highest increase in Impairment Score at **one or more** of the Testing Frequencies (2000, 3000, 4000 and 6000). Claimants do not get an EPP payment for each increase in Impairment score at the Testing Frequencies utilized in the EPP; rather they get paid for their highest (even if that shift is in multiple Testing Frequencies). To allow Claimants to get additional payments if they had the same or lower shift at

- a. Example Award Ranges:
 - i. If the Claimant's Reference and Injury Audiogram establish that the Claimant's Impairment Score has increased 15 decibels at one or more of the 250, 500, 1000, and 8000 Hz frequencies: up to \$5,000.
 - ii. If the Claimant's Reference and Injury Audiogram establish that the Claimant's Impairment Score has increased at least 20 but not more than 35 decibels at one or more of the 250, 500, 1000, and 8000 Hz frequencies: up to \$10,000.
 - iii. If the Claimant's Reference and Injury Audiogram establish that the Claimant's Impairment Score has increased 40 but not more than 50 decibels at one or more of the 250, 500, 1000, and 8000 Hz frequencies: up to \$20,000.
 - iv. If the Claimant's Reference and Injury Audiogram establish that the Claimant's Impairment Score has increased 55 but not more than 65 decibels at one or more of the 250, 500, 1000, and 8000 Hz frequencies: up to \$40,000.
 - v. If the Claimant's Reference and Injury Audiogram establish that the Claimant's Impairment Score has increased 70 but not more than 85 decibels at one or more of the 250, 500, 1000, and 8000 Hz frequencies: up to \$60,000.
 - vi. If the Claimant's Reference and Injury Audiogram establish that the Claimant's Impairment Score has increased greater than 90 decibels at one or more of the 250, 500, 1000, and 8000 Hz frequencies: up to \$100,000.
- b. Additional compensation may be available for Claimants with increases greater than 55 decibels at multiple of the 250, 500, 1000, and 8000 Hz frequencies, up to the cap of \$100,000.
- c. These award values above are illustrative. They may be reduced to make sure that the dollar value paid for the Impairment Score increases above at 250, 500, 1000 and 8000 Hz frequencies in this EIF Category do not pay more to the Claimant than the similar increase at one of the Testing Frequencies (2000, 3000, 4000 and 6000) utilized in the point-based methodology in the Deferred Pay Full Evaluation Program if the Claimant is participating in MSA I or the Point-Based Payment component if the Claimant is participating in MSA III.⁶ (See also Footnote #4 which describes limitations on awards for Claimants who received payments in the Expedited Pay Program in MSA I).
- d. Allowable Bookmarked pages: 10.
- e. Documentary proof required:⁷
 - i. A **Reference Audiogram** is the first audiogram after January 1, 2000.
 1. if a Claimant started in the military before 2000, the closest audiogram to 2000 will be the Reference Audiogram.

the Low Frequency / Non-DD Form Hearing Loss frequencies of 250, 500, 1000 and/or 8000 Hz would treat those Claimants more favorably than Claimants who had multiple shifts at the EPP Testing Frequencies.

⁶ For MSA I Claimants, the process for determining the Point Dollar Value utilized in the Deferred Pay Full Evaluation Program is described on pages 16 – 18 of the Settlement Allocation Methodology for MSA I, and for MSA III Wave Claimants on pages 13 – 14 for of the Settlement Allocation Methodology for MSA III.

⁷ See Guidance Memorandum #1 dated October 11, 2023, and Guidance Memorandum #3 dated October 30, 2023, for more assistance on determining which audiogram to utilize. Also note that for military Claimants only the 500 and 1000 Hz frequencies for this EIF Category typically appear on the DODs DD2215 and DD2216 audiograms. However, if there is significant hearing loss, the 250 and 8000 Hz results could have been captured on a full hearing assessment for that Claimant.

2. If a Claimant started in the military after 2000, the closest audiogram to the beginning date of service will be the Reference Audiogram.
 3. If a Claimant was a civilian during earplug use, the closest audiogram to 2000 will be the Reference Audiogram.
- ii. The **Injury Audiogram** for military Claimants is the audiogram with the latest date which is dated at least six months after the Reference Audiogram and no more than one year after the end of service; and, for civilian Claimants the Injury Audiogram is the closest to the reported last date of usage of Combat Arms v2 Earplugs but must be prior to April 1, 2019.
- f. Application Fee: \$250.
- 3) **Recorded Tinnitus:** The presence of tinnitus can have a minimal to highly intrusive impact on quality of life and overall health and wellbeing. Claimants with recorded evidence of tinnitus causing / exacerbating injury may be eligible for an EIF Award.⁸ EIF awards for Recorded Tinnitus may be up to \$250,000.⁹
- a. Allowable Bookmarked pages: 20.
 - b. Documentary proof required: Documentation must establish that the Claimant reported tinnitus or had tinnitus onset (diagnosis, treatment, or symptoms) any time between first use of the Combat Arms v2 Earplugs to within two years of discharge from the military or, for civilian Claimants, within two years of the date the Claimant last used the Combat Arms v2 Earplugs as stated on the Registration Form. The documentation establishing tinnitus can be dated after the 2-year window but if so, the documentation must indicate that the Claimant's tinnitus began (i.e., a reference to a diagnosis, treatment, or complaint of symptoms) within the 2-year window. Also, for all Claimants, the documentation establishing the recorded tinnitus onset must be dated either i) before April 1, 2019, or ii) before two years transpires from their date of discharge from the military, whichever is later.¹⁰ Other supporting documentation must include one or more of the following and must be dated before September 1, 2023:¹¹
 - i. Tinnitus Functional Index (TFI) / Tinnitus Handicap Index (THI) showing evidence greater than moderate or greater impact (Meikle et al. 2012; Newman et al. 1996).
 1. TFI: > 30 (severe enough for intervention).
 - a. Moderate Problem 32-53

⁸ For example, a Claimant has tinnitus and PTSD. The presence of PTSD alone does not meet the standard for an EIF claim; recorded evidence of tinnitus exacerbating PTSD is required.

⁹ The range for Recorded Tinnitus EIF cases may vary greatly. For instance, those with Moderate Problems noted on their Tinnitus Functional Index, without any further documentation, may receive values at \$10,000 and those with a Very Big Problem on a TFI, and no other documentation, may receive \$50,000. In comparison a Claimant with high scores on TFI/THI who had 4 or more encounters with a mental health provider and who attempted suicide may exceed \$200,000. These are only examples, and the final dollar values cannot be determined until the Allocation Special Master reviews all EIF submissions in this EIF Category.

¹⁰ See Guidance Memorandum #3 dated October 30, 2023, for Claimants who wish to use VA disability rating documentation to support their EIF submission and for Claimants still in military service status.

¹¹ Greater weight will be given to documentation of course of treatment (e.g., psychological workup, objective audiological data) and documentation of emergency than TFI and THI.

- b. Big Problem 54-72
 - c. Very Big Problem 73-100
 - 2. THI: > 36 (moderate or greater)
 - a. Moderate 38-56
 - b. Severe 58-76
 - c. Catastrophic 78-100
 - ii. Documentation demonstrating a regular course of treatment that specifies tinnitus as a complaint related to intervention (meaning at least 3 encounters specifically for tinnitus management). A higher number of encounters and different provider types will be applied in order to quantify tinnitus injury.
 - 1. Audiologist/Otologist/Otolaryngologist
 - 2. Neurologist
 - 3. Psychologist/Psychiatrist/mental health (e.g., PTSD exacerbation)
 - 4. Marriage/Spousal/Family counseling
 - 5. Sleep specialist/intervention
 - 6. Chiropractor
 - 7. Other licensed provider (e.g., nurse practitioner)
 - 8. Specialty services/intervention such as progressive tinnitus management (PTM), tinnitus retraining therapy (TRT), Tinnitus Activities Treatment (TAT), prescribed hearing aids/sound generator/therapy for tinnitus management, bimodal stimulation, biofeedback training, etc.
 - iii. Documentation of emergency specifying tinnitus.
 - 1. Emergency department visit due to tinnitus
 - 2. Suicidal attempt due to tinnitus
 - 3. Client committed suicide due to tinnitus (family seeking claim)
 - c. Application Fee: \$1,000

4) **Other Otologic Injury and Intervention for Acoustic Trauma:** In some situations, acoustic trauma can cause other auditory injury in addition to sensorineural hearing loss and tinnitus. To be eligible for an EIF Award in this EIF Category, a Claimant must provide recorded proof that their injury was due to or exacerbated by noise / acoustic trauma. EIF Awards for Other Otologic Injury and Intervention for Acoustic Trauma may be up to \$100,000.

- a. Allowable Bookmarked pages: 20.
- b. Documentary proof required: Documentation must establish that the Claimant suffered acoustic trauma at any time between the Claimant's first use and last use of the Combat Arms v2 Earplugs. The documentation can be dated after last use but if so, the documentation must indicate that the Claimant's Otologic Injury occurred (i.e., a reference to a diagnosis, treatment, or complaint of symptoms) during the usage window. Also, for all Claimants, the documentation must be dated either i) before April 1, 2019, or ii) before two years transpires from their date of discharge from the military, whichever is later.¹² Documentation should include all CPT and ICD codes to support the claim and evidence must note injury was due to noise exposure. Examples of possible

¹² See Guidance Memorandum #3 dated October 30, 2023, for Claimants who wish to use VA disability rating documentation to support their EIF submission and for Claimants still in military service status.

eligible injuries are listed below. The record should detail number of encounters, surgical note(s), and relevant diagnostic testing.

- i. Noise injury requiring Cochlear Implant
 - ii. Noise injury causing disarticulation and/or requiring Ossiculoplasty/Bone prosthesis (variable types)
 - iii. Noise injury causing perforation and/or requiring Tympanoplasty
 - iv. Noise injury causing Perilymphatic fistula (PLF)
 - v. Noise injury causing endolymphatic hydrops
 - vi. Noise injury causing vertigo/dizziness
 - vii. Noise injury causing hyperacusis
 - viii. Noise injury causing chronic otalgia (ear pain)
- c. Application Fee: \$250.

5) **Economic Loss through Impact on Work Productivity / Occupation:** In some situations, hearing loss and/or tinnitus can severely impact a Claimant's work productivity or occupational opportunities, causing economic loss. EIF Awards for this EIF Category may be up to \$200,000.

- a. Allowable Bookmarked pages: 20.
- b. Documentary proof required: For MSA I Claimants, documentation must establish that the Claimant has been found eligible for Recorded Tinnitus and/or a Hearing Loss category in either the Expedited Pay Program or Deferred Pay Full Evaluation Program¹³ and/or has been found eligible for a Recorded Tinnitus EIF Award. For MSA III Claimants, documentation must establish that the Claimant has been found eligible for a Recorded Tinnitus and/or Point-Based Payment in the Settlement Program for "Wave" Claimants. Documentation must include:
 - i. Copies of tax filings for each of the two years prior to the claimed occupational loss, the year of loss, and one year after the loss (to show proof of damages measured by loss of income year over year as reflected in tax filings); or,
 - ii. Documentation that tinnitus or hearing loss impacted promotion in the military within record. For example, a change in the Claimant's PUHLES for the H going from H1 to as high as H4; or promotion documents or service documents indicating a denial for promotion or deployment due to hearing status, documentation showing significant limitations on duties or documentation from a medical evaluation board; or
 - iii. Documentation that tinnitus or hearing loss impacted promotion or job opportunity outside of military. For example, the Claimant was denied entrance to police or fire academy due to status of hearing, or the Claimant can

¹³ For the Expedited Pay Program, Levels for 3B "Slight", 4 "Mild" and 5 "Moderate+" are the Hearing Loss Categories (see page 2 of the Allocation Methodology). For the Deferred Pay Full Evaluation Program (MSA I) and for the Point-Based Component in MSA III, the Hearing Loss Categories are Mild, Moderate, Moderate/Severe, Severe or Profound based upon that impairment score (see Table 2, page 8 of the Allocation Methodology for MSA I and Table 2, page 5 of the Allocation Methodology for MSA III). The labels of these categories have different purposes and criteria in each program. Please review the Allocation Methodology for more information about how these labels are used in each program.

demonstrate restricted job opportunity due to hearing status and inability to hear warning signals.

c. Application Fee: \$750.

6) New Onset Hearing Impairment Related to Noise Exposure. In some circumstances, civilian or military Claimants in the MSA I and MSA III Settlement Programs i) may have suffered hearing loss while using the Combat Arms v2 Earplugs, either through their occupation or in the course of recreation, which has been recorded in an audiogram that meets a definition of “Injury Audiogram” in their respective Settlement Allocation Methodology (and all related Guidance Memorandum) but ii) not have an audiogram which meets the definition of a “Reference Audiogram” under their respective Settlement Allocation Methodology (and all related Guidance Memorandum). If such a Claimant can establish i) they have an Impairment Score of 40 decibels or greater at any of the Testing Frequencies used in the Settlement Allocation Methodology (2000, 3000, 4000 and/or 6000 Hz) or any of the frequencies utilized in the Low Frequency / Non-DD Form Hearing Loss EIF Category frequencies (250, 500, 1000 and/or 8000 Hz); along with ii) medical records dated at the time of the first diagnosis establishing that the sensorineural hearing loss is due to noise exposure, they may be eligible for an EIF Award of up to \$20,000.

a. Example Award Ranges:

- i. If the Claimant’s Injury Audiogram establishes an Impairment Score of at least 40 but not more than 50 decibels at one or more of the 250, 500, 1000, 2000, 3000, 4000, 6000 and 8000 Hz frequencies: up to \$5,000.
- ii. If the Claimant’s Injury Audiogram establishes an Impairment Score of at least 55 but not more than 65 decibels at one or more of the 250, 500, 1000, 2000, 3000, 4000, 6000 and 8000 Hz frequencies: up to \$10,000.
- iii. If the Claimant’s Injury Audiogram establishes an Impairment Score of 70 or greater decibels at one or more of the 250, 500, 1000, 2000, 3000, 4000, 6000 and 8000 Hz frequencies: up to \$20,000.

b. Allowable Bookmarked pages: 20.

c. Documentary proof required:

- i. Audiogram meeting definitions of an Injury Audiogram in the respective Settlement Allocation Methodology (and all related Guidance Memorandum) for MSA I or MSA III Claimants.
- ii. No other Audiogram is available which meets the definition of a Reference Audiogram in the respective Settlement Allocation Methodology (and all related Guidance Memorandum) for MSA I or MSA III Claimants.
- iii. Medical Records must be dated within 2 years of the Injury Audiogram that reference the new onset of hearing loss due to noise exposure during the timeframe in which the Claimant was wearing the earplugs. Also, for all Claimants, the documentation must be dated either i) before April 1, 2019, or ii) before two years transpires from their date of discharge from the military, whichever is later.¹⁴

¹⁴ See Guidance Memorandum #3 dated October 30, 2023, for Claimants who wish to use VA disability rating documentation to support their EIF submission and for Claimants still in military service status.

- iv. A Claimant declaration under penalty of perjury regarding what the Claimant was doing when they were wearing the Combat Arms v2 Earplugs and the date(s) or approximate date(s) when they were exposed to the harm causing noise which led to hearing loss.
 - v. For Occupational related hearing loss, proof of employment dated during the time of the claimed hearing loss, including a declaration from a co-worked under penalty of perjury stating that they witnessed first-hand the Claimant's use of the Combat Arms v2 Earplugs.
 - vi. For Recreational related hearing loss, proof of participation in the specific course of recreation (e.g., receipt from shooting range, proof of purchase of Earplugs or firearms from recreational retailer) and third-party declaration under penalty of perjury stating that the third party witnessed first-hand the Claimant's use of the Combat Arms v2 Earplugs.
- d. Application Fee: \$250.

III. Notification, Amount and Timing of Payments

For MSA I, the total proceeds for the Extraordinary Injury Fund shall be limited to a maximum of up to ten percent (10%) of the Total Settlement Funds paid by 3M into the Settlement Trust, less the funds required to compensate all Expedited Pay Settlement Program Claimants, Registration Payments, and Costs of Administration. Because 3M's payment obligations are dependent on the satisfaction of certain conditions, the amount of total proceeds for the Extraordinary Injury Fund may vary greatly and thus the amount of EIF Awards for each EIF Category could be impacted.

For MSA I Claimants, the Allocation Special Master will determine EIF Awards and issue notices to Claimants prior to the conclusion of the Deferred Pay Full Evaluation payment process described in Section III of the Settlement Allocation Methodology for MSA I Claimants. Depending on the amount and timing of funds deposited by 3M into the Settlement Trust, payments may begin before December 31, 2027. Because 3M's payment schedule is dependent on the satisfaction of certain conditions, the Allocation Special Master has the authority to modify the payment dates for some or all EIF Awards.

For MSA I, any unallocated money remaining in the Extraordinary Injury Fund will be distributed to all Deferred Pay Full Evaluation Claimants in proportion to their Final Point Total.

For MSA III ("Wave") Claimants, the Allocation Special Master will determine EIF Awards and issue notices to Claimants prior the conclusion of the Wave Program Settlement Award determination process described in Section III of the Settlement Allocation Methodology for MSA III Claimants. It is anticipated that EIF Award payments will be paid to all Wave Claimants at the conclusion of the

payment process for the Wave Program Settlement Awards, which is anticipated to be before December 31, 2024.¹⁵

For MSA III, the Allocation Special Master has set aside \$40,000,000.00 to allocate at the conclusion of the Wave Program Settlement Award Determination process described in Section III of the Allocation Methodology for Wave Claimants.

Any unallocated money remaining in the Extraordinary Injury Fund for MSA III will be distributed to Wave Claimants in proportion to their Point-Based Gross Payment (if any), excluding any EIF award.

¹⁵ The actual date of distribution to any Claimant depends on the satisfaction of all conditions precedent to distribution.

References

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