IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA23-595

Filed 19 December 2023

The North Carolina Industrial Commission, No. 18-053490

DANNY NELSON, Plaintiff, Employee-Plaintiff,

v.

THE GOODYEAR TIRE & RUBBER, CO., Employer,
LIBERTY MUTUAL INSURANCE CO., Carrier, Defendants.

Appeal by defendants-appellants from an order entered 13 March 2023 by Commissioner Kenneth L. Goodman of the North Carolina Industrial Commission. Heard in the Court of Appeals 15 November 2023.

Hedrick Gardner Kincheloe & Garofalo LLP, by M. Duane Jones, Linda Stephens, and Matthew J. Ledwith, for defendants-appellants.

Adams, Burge & Boughman, PLLC, by Vickie L. Burge, for plaintiff-appellee.

FLOOD, Judge.

Goodyear Tire & Rubber Co. and Liberty Insurance Co. (collectively, "Defendants") appeal from the North Carolina Industrial Commission's (the "Commission") Opinion and Award (the "Order"), requiring Defendants to pay for Danny Nelson's ("Plaintiff") medical expenses as a result of his compensable ear

injuries. Defendants argue on appeal that the North Carolina Industrial Commission erred in, (A) concluding Plaintiff sustained a compensable injury to his ears resulting in permanent hearing loss, tinnitus, and vestibular dysfunction and (B) in Finding of Fact 25 and Conclusion of Law 4 by determining that Plaintiff is entitled to medical compensation. As explained in further detail below, we affirm the Commission's Order.

I. Facts and Procedural Background

Much of the foregoing background is derived from several unchallenged findings of fact contained in the Order. As these findings are unchallenged, they are binding on appeal. *See In re K.W.*, 282 N.C. App. 283, 286, 871 S.E.2d 146, 149 (2022) ("Unchallenged findings of fact are deemed supported by the evidence and are binding on appeal." (citation and internal quotation marks omitted)).

Plaintiff has been an employee of Goodyear Tire & Rubber Co. ("Defendant Goodyear") since 6 June 1994, and he continues to be employed by them to this day. Plaintiff's position is Senior Vacation Placement, where he is required to "do any job that is available for that day for anyone that is out" for vacation or medical reasons.

On 16 December 2018, Plaintiff was working as a Production Service-Truck Carcass Driver, where he drove tire carcass trucks and changed the batteries of said trucks. That day, he had driven one of the trucks to an indoor battery exchange area, where he was changing out a battery weighing approximately 1,200 to 1,500 pounds, at which time the battery suddenly exploded. Plaintiff later testified, without

objection: at the time of the explosion he was leaning over the battery and looking to his left; the explosion broke the bolts off the lid on top of the battery; a "large cloud of acid" struck his face and clothes; he was "deafened in [his] ears from the sound of the explosion"; and the explosion shook the walls of the building he was in.

Plaintiff was transported to Premise Health—Defendant Goodyear's onsite medical clinic—where he was examined by a nurse. Plaintiff reported to the nurse his ears were ringing and he had a "weird taste" in his mouth, but did not report that he was in pain. Doctor Marcelo Perez ("Dr. Perez"), Defendant Goodyear's occupational health physician, recommended that Plaintiff wear double ear protection, remain "as noise free as possible[,]" and return for a hearing test when his ear ringing subsided.

On 13 February 2019, Plaintiff had a hearing evaluation at Premise Health. The evaluation showed "severe to profound loss" of hearing in Plaintiff's right ear, and "significant loss" in the left ear. Plaintiff reported he was experiencing ear drainage, continuous or recurrent ear pain, ceaseless ringing in his ears, dizzy spells, hearing loss that comes and goes, and a feeling of pressure or fullness in his ears. The evaluator referred Plaintiff to an audiologist.

On 26 April 2019, Plaintiff went to Pinehurst Surgical where the attending medical professionals performed an audiogram on him. The audiologist interpreted the audiogram results to show normal hearing in Plaintiff's left ear and mild high frequency loss in his right. Plaintiff also participated in acoustics reflexes testing—

an objective test "to see if the ear['s] built-in mechanism to protect itself" is present—and Plaintiff's results were normal. The audiologist also noted, however, Plaintiff was experiencing tinnitus and imbalance.

Following the audiogram, on 20 November 2019, Dr. Perez noted improvement since the 13 February 2019 evaluation, and described the audiogram as showing "[r]ecovery." Dr. Perez, however, also noted that Plaintiff had mild unilateral high frequency hearing loss in his right ear, and that Plaintiff had tinnitus and imbalance. Dr. Perez concluded Plaintiff's symptoms were likely due to acoustic trauma, and referred Plaintiff to an ear, nose, and throat ("ENT") specialist.

On 9 January 2020, Defendant Goodyear's compensation carrier, Liberty Insurance Corporation ("Defendant Liberty"), filed a Form 63 "Notice to Employee of Payment of Compensation Without Prejudice . . . or Payment of Medical Benefits Only Without Prejudice[,]" and checked Section 2 of the Form, which provides that "[p]ayments of medical compensation is expressly being made without prejudice to" later deny the compensability of Plaintiff's claim.

On 7 February 2020, Plaintiff went to Fayetteville Otolaryngology where Doctor William Wiggs ("Dr. Wiggs"), a board-certified otolaryngologist, had a medical assistant, who was an "OTO tech," perform a hearing examination on Plaintiff. Dr. Wiggs later described an OTO Tech as one who "is not a certified audiologist. In this case it was a lady who was a[n] . . . MA, medical assistant in [his] practice." Dr. Wiggs interpreted the examination results to show no change in Plaintiff's left ear from the

26 April audiogram results, with his right ear having improved. Dr. Wiggs later testified that temporary loss of hearing within a couple months after acoustic trauma is "common" and improvement over time is "very common."

On 29 April 2020, Plaintiff was seen for a second opinion by Doctor Allen Marshall ("Dr. Marshall") at WakeMed ENT. Dr. Marshall is board certified in otolaryngology and head and neck surgery. Plaintiff reported to Dr. Marshall decreased hearing in his right ear; hearing intermittent high-pitched noise, which is worse in his right ear than his left; balance issues; and pressure in his facial area. Based on Plaintiff's descriptions, Dr. Marshall diagnosed him with hearing loss, tinnitus, and dizziness, and referred Plaintiff for another audiogram. Dr. Marshall further recommended vestibular therapy, a video nystagmography ("VNG") for Plaintiff's dizziness, and a brain MRI.

On 5 May 2020, Plaintiff returned to WakeMed for the audiogram. The results showed Plaintiff's hearing had worsened in both ears, particularly in the right ear and in the low frequencies in the right ear. Dr. Marshall diagnosed moderate sensorineural hearing loss in Plaintiff's right ear and mild to moderate loss in his left ear. On 4 June 2020, Plaintiff returned again to WakeMed for VNG testing, and the results from this test were within the normal limits.

On 17 June 2020, Plaintiff saw Dr. Marshall for the last time. Dr. Marshall advised Plaintiff that he was a candidate for hearing aids, as they could be beneficial

for his tinnitus, and referred him for an MRI of the internal auditory canal. The results of the subsequent MRI were normal.

On 10 and 19 August 2020, Plaintiff visited Pivot Physical Therapy in Fayetteville. Plaintiff reported to the physical therapist, Abigail Weiskopf ("Weiskopf"), that he was experiencing dizziness, a "little bit" of right ear pain, tinnitus, "some lightheadedness[,]" and a "little bit of loss of balance." Weiskopf instructed Defendant in techniques to help relieve his dizziness and provided him with home exercises.

Prior to Plaintiff's session with Weiskopf, on 7 July 2020, Defendants filed a Form 61 Denial of Workers' Compensation Claim, denying and disputing "that Plaintiff sustained any compensable injury as a result of the 16 December 2018[] incident." Defendants further denied Plaintiff was entitled to any additional treatment relating to the 16 December 2018 explosion, and disputed the causality of Plaintiff's "[c]urrent medical condition[s]." On 8 July 2020, Plaintiff filed a Form 33 Request that Claim be Assigned for Hearing due to Defendants' denial of the claim.

On 31 March 2021, Plaintiff and Defendants entered into a Pre-Trial Agreement. On 9 April 2021, this matter first came before the Commission, and was heard by Deputy Commissioner Lori A. Gaines. Deputy Commissioner Gaines accepted into evidence three deposition transcripts: one of Dr. Marshall, one of Dr. Wiggs, and one of Weiskopf.

Dr. Marshall was tendered without objection as an expert in ENT and neck surgery, and in his deposition explained that the ear's sensory cells, called cilia, within the vestibular organ can be damaged by acoustic trauma. He noted that Plaintiff's 5 May 2020 audiogram showed a nerve hearing deficit of moderate loss in Plaintiff's right ear and mild loss in the left, and confirmed that, having reviewed Plaintiff's pre-injury hearing evaluations, Plaintiff's hearing was normal prior to the explosion. Additionally, as the audiogram was performed by his assistant who has a doctorate in audiology, Dr. Marshall opined that he would "put more faith and reliance" in that audiogram, rather than one performed by an OTO tech. Dr. Marshall further provided that Plaintiff's hearing is unlikely to improve, but the dizziness and tinnitus could resolve. He explained that vestibular dysfunction from an acoustic trauma is a "tricky" disorder, and although Plaintiff's VNG returned normal, this does not mean Plaintiff does not have dizziness or tinnitus.

Dr. Wiggs was tendered without objection as an expert in otolaryngology. He explained in his deposition that the medical assistant who performed the 7 February 2020 hearing examination is an "OTO tech, not an audiologist." Dr. Wiggs recalled Plaintiff's audiogram as "low normal" and that it showed very mild hearing loss. He confirmed that he did not recommend any additional treatment for Plaintiff following the examination. Dr. Wiggs opined that the worsening of Plaintiff's hearing between the 7 February 2020 examination and 29 April 2020 session with Dr. Marshall is unrelated to the explosion.

Deputy Commissioner Gaines issued an opinion where, in consideration of the depositions, she made several findings of fact and conclusions of law, ordered Defendants to "pay all medical expenses incurred or to be incurred by Plaintiff[,]" and removed the case from the Commission's active hearing docket.

On 27 October 2021, Defendants provided notice of appeal to the Full North Carolina Industrial Commission (the "Full Commission"). On 2 May 2022, Defendants' appeal came before the Full Commission for a hearing. On 13 March 2023, the Full Commission issued its Order, where it ordered Defendants "pay all medical expenses incurred or to be incurred . . . by Plaintiff as a result of his compensable ear injuries, hearing loss, tinnitus, and vestibular dysfunction[.]" In the Order, "[b]ased upon the preponderance of the evidence in view of the entire record," the Full Commission made several Findings of Fact, which include:

> 18. Dr. Marshall opined that based on his review of Plaintiff's hearing tests, his treatment and evaluations of Plaintiff, and his education and experience, Plaintiff sustained severe damage to his hearing, with profound loss in his right ear and significant loss in his left ear as a result of the [16 December 2018] explosion. Dr. Marshall further opined that Plaintiff's tinnitus, and dizziness from the damage to his vestibular organ, for which he provided treatment in April of 2020, were also caused by the [16 December 2018] explosion.
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> 21. Based on the preponderance of the evidence in view of the entire record, the Full Commission affords greater weight to the medical opinions expressed by Dr. Marshall. In reaching this finding, the Full Commission gives weight

> to the fact that Dr. Marshall evaluated Plaintiff on multiple occasions, whereas Dr. Wiggs only saw Plaintiff once, and because Dr. Marshall's office relies on a doctor of audiology certified audiologist to perform hearing evaluations rather than an OT[O] tech. Furthermore, Dr. Marshall compared Plaintiff's pre-injury hearing evaluations with his post-injury hearing evaluations and confirmed that Plaintiff's hearing was normal prior to the explosion.
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> . . . .
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> 24. Based on the preponderance of the evidence in view of the entire record, the Full Commission finds that Plaintiff sustained bilateral ear injury on [16 December 2018], and has a permanent hearing loss as well as a vestibular injury as a result of the explosion. In reaching this finding, the Commission gives weight to Plaintiff's testimony, the medical records, and expert testimony of Dr. Marshall.
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> 25. Based on the preponderance of the evidence in view of the entire record, the Full Commission finds that all of the medical treatment Plaintiff received for his ear injuries, including his treatment with Dr. Marshall and Dr. Wiggs, the MRI, and physical therapy, was reasonably necessary to effect a cure, provide relief, or lessen the period of Plaintiff's disability.

Based on its Findings of Fact, the Full Commission concluded, *inter alia*:

> 2. . . . . [T]he Full Commission concludes that, on [16 December 2018], Plaintiff sustained a workplace accident, arising out of and in the course of his employment with [Defendant Goodyear], when an industrial battery unexpectedly exploded causing an acoustic injury to Plaintiff's ears, resulting in hearing loss, tinnitus, and vestibular dysfunction. . . .
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> 3. . . . . Dr. Marshall opined, to a reasonable degree of medical certainty, that the work event of [16 December 2018] caused Plaintiff's ear injuries and resulting loss,

> tinnitus, and vestibular dysfunction for which he has provided treatment, and recommended additional treatment, including hearing aids and vestibular therapy. Dr. Marshall based his opinion on the history provided by Plaintiff, as well as his review of pre-and-post injury evaluations and his examination of [P]laintiff. Accordingly, the preponderance of the evidence in view of the entire record establishes that Plaintiff suffered a compensable injury to his ears resulting in hearing loss, tinnitus, and vestibular function on [16 December 2018], arising out of and in the course of his employment with [Defendant Goodyear]. . . .
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> 4. . . . . [T]he Full Commission concludes that Plaintiff is entitled to payment of medical expenses incurred or to be incurred, including the IAC MRI, vestibular therapy for imbalance, VNG, and amplification devices as recommended, or to be recommended by Dr. Marshall, that are reasonably required to effect a cure, provide relief, or lessen the period of disability for his injuries to his ear and including his resulting hearing loss, tinnitus, and vestibular dysfunction. The Full Commission further concludes that having Dr. Marshall designated as Plaintiff's authorized treating physician is reasonably required to effect a cure, provide relief or lessen Plaintiff's disability.

On 12 April 2023, Defendants filed timely notice of appeal.

II. Jurisdiction

Defendants' appeal is properly before this Court pursuant to N.C. Gen. Stat. §§ 7A-29(a), and 97-86 (2021).

III. Standard of Review

Our standard of review for workers' compensation matters is "limited to reviewing whether any competent evidence supports the Commission's findings of

fact and whether the findings of fact support the Commission's conclusions of law." *Clawson v. Phil Cline Trucking, Inc.*, 168 N.C. App. 108, 113, 606 S.E.2d 715, 718 (2005) (quoting *Deese v. Champion Int'l Corp.*, 352 N.C. 109, 116, 530 S.E.2d 549, 553 (2000)). "The findings of fact of the Industrial Commission are conclusive on appeal when supported by competent evidence, even though there be evidence that would support findings to the contrary." *Id.* at 113, 606 S.E.2d at 718 (cleaned up) (citations and internal quotation marks omitted). "[T]he Industrial Commission's conclusions of law are reviewable *de novo* by this Court." *Lewis v. Sonoco Prods. Co.*, 137 N.C. App. 61, 68, 526 S.E.2d 671, 675 (2000) (citation omitted).

IV. Analysis

Defendants argue on appeal, (A) the Full Commission erred in concluding that Plaintiff sustained a compensable injury to his ears resulting in permanent hearing loss, tinnitus, and vestibular dysfunction, and (B) the Full Commission erred in Finding of Fact 25 and Conclusion of Law 4 by determining that Plaintiff is entitled to medical compensation. We address each argument, in turn.

A. Compensable Injury

Defendants, in arguing the Full Commission erred in concluding Plaintiff suffered a compensable injury, contend that the Order's Findings of Fact 18, 21, and 24 are unsupported by competent evidence, and in turn, that Conclusions of Law 2 and 3 are unsupported by any findings of fact. Defendants specifically allege the Full Commission failed to consider the whole of Dr. Marshall's testimony, as it establishes

that the change in Plaintiff's hearing test results from February to May 2020 were not caused by the explosion, and that Dr. Marshall does not know the cause of Plaintiff's ongoing dizziness and tinnitus. We disagree.

Under the Workers' Compensation Act, disputed workers' compensation cases "shall be decided and findings of fact issued based upon the preponderance of the evidence in view of the entire record." N.C. Gen. Stat. § 97-84 (2021). In such cases, the plaintiff "employee has the burden of proving that his claim is compensable[,]" and "[a]lthough the employment-related accident need not be the sole causative force to render an injury compensable, the plaintiff must prove that the accident was a causal factor by a preponderance of the evidence." *Holley v. ACTS, Inc.*, 357 N.C. 228, 231–32, 581 S.E.2d 750, 752 (2003) (citations and internal quotation marks omitted).

In assessing the evidence, "[t]he Commission is the sole judge of the credibility of the witnesses and the weight to be given to their testimony." *Anderson v. Lincoln Const. Co.*, 265 N.C. 431, 433–44, 144 S.E.2d 272, 274 (1965). "Where the exact nature and probable genesis of an injury involves complicated medical questions far removed from the ordinary experience and knowledge of laymen, only an expert can give competent evidence as to causation." *Carr v. Dep't of Health and Hum. Servs.*, 218 N.C. App. 151, 154, 720 S.E.2d 869, 873 (2012) (citation omitted). "When expert opinion is based 'merely upon speculation and conjecture,' it cannot qualify as competent evidence of medical causation." *Id.* at 154–55, 720 S.E.2d at 873 (quoting *Young v. Hickory Bus. Furniture*, 353 N.C. 227, 230, 538 S.E.2d 912, 915 (2000)). This

Court has provided that an expert "stating an accident 'could or might' have caused an injury, or 'possibly' caused it is not generally enough alone to prove medical causation[.]" *Id.* at 155, 720 S.E.2d at 873 (citations omitted). Such expert opinions, however, that have been supplemented "with statements that something 'more than likely' caused an injury or that the [expert] is satisfied to a 'reasonable degree of medical certainty' [have] been considered sufficient" to serve as competent evidence for medical causation. *Id.* at 155, 720 S.E.2d at 873 (citing *Young*, 353 N.C. at 233, 538 S.E.2d at 916; *Kelly v. Duke Univ.*, 190 N.C. App. 733, 740, 661 S.E.2d 745, 749 (2008), *supersedeas denied, disc. rev. denied*, 363 N.C. 128, 675 S.E.2d 367 (2009)).

Here, Dr. Marshall was tendered, without objection, to testify as an expert in ENT and neck surgery, and therefore was qualified to provide competent evidence as to medical causation. *See Carr*, 218 N.C. App. at 154, 720 S.E.2d at 873. In Dr. Marshall's deposition, when asked whether it is "more likely than not" that the explosion was a cause of Plaintiff's tinnitus and hearing loss for which he presented to Dr. Marshall for treatment and evaluation, Dr. Marshall answered in the affirmative. Further, when asked whether, "in [his] opinion and to a reasonable degree of certainty, [it is] more likely than not that the explosion as described was a cause of the dizziness that [Plaintiff] presented with [him] for evaluation . . . in April of 2020[,]" Dr. Marshall answered in the affirmative. As this Court has provided, when an expert testifies that an incident "more than likely" caused an injury, or that he is satisfied to a "reasonable degree of medical certainty" there is a causal link

between an incident and an injury, that testimony is sufficient to serve as competent evidence of medical causation. *Id.* at 154–55, 720 S.E.2d at 873. Dr. Marshall's testimony, therefore, is competent evidence of such causation. *See id.* at 154, 720 S.E.2d at 873.

Defendants, however, contend that Dr. Marshall's testimony, considered in its entirety, does not support the Order's Finding of Fact 18 that Dr. Marshall opined Plaintiff's hearing loss, dizziness, and tinnitus, for which Dr. Marshall provided treatment in April of 2020, "were caused by the [16 December 2018] explosion." Defendants specifically draw our attention to the colloquy in Dr. Marshall's deposition where, on cross-examination, Defendants' counsel asked him whether it was "more likely than not the change from February 2020 to May 2020 was caused by the 2018 auditory event[,]" to which Dr. Marshall responded, "[n]o, because I don't know what occurred to [Plaintiff] during that time."

Defendants failed to mention in their initial brief, however, Dr. Marshall's subsequent exchange with Plaintiff's counsel, on redirect examination:

> Q. I know that [Defendants' counsel] asked you a lot of questions about other causes of tinnitus, of hearing loss, of dizziness, but I want to come back to if in fact and the evidence supports there was a battery explosion on [16 December 2018], when [Plaintiff] was operating a[n] electric hand truck in his very near vicinity, he described it as a very loud noise, and absent any other acoustic trauma between that incident and when you saw him, is it more likely than not that that acoustic trauma was a cause, not the only cause but a cause of hearing loss, the tinnitus, and

> the dizziness which he reported to you and which you evaluated and treated?
>
> A. Yes.

There is no evidence Plaintiff suffered any acoustic trauma between the time of the explosion and Dr. Marshall's initial April 2020 evaluation of Plaintiff, and neither party disputes the fact that Plaintiff suffered no work-related acoustic trauma between Plaintiff's February 2020 session with Dr. Wiggs and the May 2020 audiogram. This testimony—like Dr. Marshall's initial deposition testimony—that it was "more likely than not" that Plaintiff's hearing loss, tinnitus, and dizziness were at least in part caused by the explosion, is therefore competent evidence that supports Finding of Fact 18. *See Carr*, 218 N.C. App. at 154–55, 720 S.E.2d at 873. Even though Dr. Marshall's colloquy with Defendants' counsel is evidence that could support a finding to the contrary—that Dr. Marshall did not opine that Plaintiff's injuries were caused by the explosion—the preponderance of the evidence, in review of the whole Record, supports Finding of Fact 18. As such, this finding is conclusive on appeal. *See Clawson*, 168 N.C. App. at 113, 606 S.E.2d at 718; *see Holley*, 357 N.C. at 231–32, 581 S.E.2d at 752; *see also* N.C. Gen. Stat. § 97-84.

As to Finding of Fact 21, the Full Commission afforded greater weight to Dr. Marshall's medical opinions over those of Dr. Wiggs, and offered several reasons as to why it made this finding. First, unlike Dr. Wiggs, who saw Plaintiff only once, Dr. Marshall saw Plaintiff on several occasions. Per the Record on appeal, which shows

Plaintiff saw Dr. Marshall several times and Dr. Wiggs only once, this finding is supported by competent evidence. Second, Dr. Marshall's office relies on an audiology-certified audiologist to perform the evaluations, unlike Dr. Wiggs' office, which relies on an OTO tech. As articulated above, Dr. Marshall was a properly tendered expert witness, and he provided that he would "put more faith and reliance" in an audiogram conducted by an audiologist over one conducted by an OTO tech. This is competent evidence that supports the Full Commission's finding. *See Carr*, 218 N.C. App. at 154, 720 S.E.2d at 873. Third, Dr. Marshall, unlike Dr. Wiggs, compared Plaintiff's pre-injury hearing evaluations with his post-injury evaluations, and confirmed that Plaintiff's hearing was normal prior to the explosion. This finding is supported by competent evidence, as the Record indeed shows Dr. Marshall considered Plaintiff's pre-injury evaluation, and Dr. Wiggs did not. Finally, and most consequentially, "[t]he Commission is the sole judge of the credibility of the witnesses and the weight to be given to their testimony[,]" so it was within the purview of the Full Commission to afford greater weight to Dr. Marshall's testimony over that of Dr. Wiggs. *See Anderson*, 265 N.C. at 433–44, 144 S.E.2d at 274. Despite Defendants' contentions, Finding of Fact 21 is supported by the evidence and therefore conclusive on appeal. *See Clawson*, 168 N.C. App. at 113, 606 S.E.2d at 718.

As to Finding of Fact 24, Defendants contend, for the same reasons that "require this Court to set aside Findings of Fact 18 and 21, this Court must set aside the . . . ultimate Finding of Fact 24 that the 16 December 2018 battery explosion

caused Plaintiff's bilateral ear injury resulting in permanent hearing loss and vestibular injury." To the contrary: for the same reasons that we find the Full Commission's Findings of Fact 18 and 21 to be conclusive on appeal, we are unpersuaded by Defendants' argument. In Finding of Fact 24, based on the preponderance of the evidence in view of the entire record, the Full Commission gave weight to Dr. Marshall's expert testimony, the medical records, and Plaintiff's account to find that Plaintiff sustained bilateral ear injury as a result of the explosion. As Findings of Fact 18 and 21 are supported by competent evidence, so too is Finding of Fact 24—Dr. Marshall's testimony provided competent evidence in support of a finding of medical causation, which only an expert may provide for such medical questions as in the case at bar, and the Full Commission had the authority to afford greater weight and credibility to Dr. Marshall's expert opinions. *See Carr*, 218 N.C. App. at 154, 720 S.E.2d at 873; *see Anderson*, 265 N.C. at 433–44, 144 S.E.2d at 274. Accordingly, Finding of Fact 24 is conclusive on appeal. *See Clawson*, 168 N.C. App. at 113, 606 S.E.2d at 718.

As Findings of Fact 18, 21, and 24 are supported by competent evidence and are therefore conclusive on appeal, we hold that the trial court's Conclusions of Law 2 and 3—that, per the preponderance of the evidence in view of the entire record, Plaintiff sustained a workplace accident which caused an acoustic injury to Plaintiff's ears resulting in hearing loss, tinnitus, and vestibular dysfunction—are properly supported by the Full Commission's findings of fact. *See Clawson*, 168 N.C. App. at

113, 606 S.E.2d at 718; *see Lewis*, 137 N.C. App. at 68, 526 S.E.2d at 675. Plaintiff met his burden of proving a compensable claim, and the Full Commission did not err. *See Holley*, 357 N.C. at 231–32, 581 S.E.2d at 752.

B. Medical Compensation

Defendants argue Conclusion of Law 4 is not supported by the Full Commission's findings of fact, as Finding of Fact 25 is "not based on the preponderance of the evidence in view of the entire record, as required by N.C. Gen. Stat. § 97-25(a)[.]" Defendants specifically contend that ordering them to pay Plaintiff's medical compensation for conditions not proven to be causally related to the explosion is prejudicial to Defendants' rights under the Workers' Compensation Act because, (1) for the reasons set forth in their first argument, the "entire record" of Dr. Marshall's testimony does not support the Full Commission's causation determination, and (2) at his deposition, Dr. Marshall testified he would not recommend hearing aids based on the hearing test results obtained on 26 April 2019, and he "probably would not have recommended hearing aids" based on the 7 February 2020 test. We disagree with Defendants' contentions.

Under N.C. Gen. Stat. § 97-25, when an employee suffers a compensable injury, "[m]edical compensation shall be provided by the employer[.]" N.C. Gen. Stat. § 97-25(a) (2021). After satisfying the burden of proving the compensability of an injury, "the claimant is entitled to a presumption that any further medical treatment for the very injury the Commission has previously determined to be the result of a

compensable accident is directly related to that compensable injury." *Kluttz-Ellison v. Noah's Payloft Preschool*, 283 N.C. App. 198, 208, 873 S.E.2d 414, 421 (2022) (citation and internal quotation marks omitted).

Here, as articulated above, Plaintiff's argument that he suffered a compensable claim was supported by the preponderance of the evidence—Dr. Marshall's opinion that there was medical causation, Plaintiff's testimony, and the relevant medical records—and we are therefore unpersuaded by Defendants' first contention as to this issue. *See Clawson*, 168 N.C. App. at 113, 606 S.E.2d at 718; *see Lewis*, 137 N.C. App. at 68, 526 S.E.2d at 675. As to Defendants' second contention, Plaintiff has met his burden of proving a compensable injury by the preponderance of the evidence—Defendant's argument as to the change in Plaintiff's hearing examination results between April 2019, February 2020, and May 2020 is therefore immaterial. *See Holley*, 357 N.C. at 231–32, 581 S.E.2d at 752; *see Clawson*, 168 N.C. App. at 113, 606 S.E.2d at 718; *see Lewis*, 137 N.C. App. at 68, 526 S.E.2d at 675. As Plaintiff has met his burden, he is accordingly entitled to medical compensation, and the presumption that "any further medical treatment for the very injury the Commission has previously determined to be the result of a compensable accident is directly related to that compensable injury." *Kluttz-Ellison*, 283 N.C. App. at 208, 873 S.E.2d at 421; *see* N.C. Gen. Stat. § 97-25(a). The Full Commission's Finding of Fact 25 is supported by competent evidence, this finding in turn supports Conclusion of Law 4, and the Full Commission did not err.

V. Conclusion

For the reasons aforesaid, Plaintiff has met his burden that he suffered a compensable injury, and he was therefore entitled to medical compensation from Defendants. We affirm the Full Commission's Order.

AFFIRMED.

Judges CARPENTER and GORE concur.

Report per Rule 30(e).