

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of MICHAEL A. DiSANTO and DEPARTMENT OF THE NAVY,  
PHILADELPHIA NAVAL SHIPYARD, Philadelphia, Pa.

*Docket No. 97-2438; Submitted on the Record;  
Issued April 12, 1999*

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DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,  
MICHAEL E. GROOM

The issue is whether appellant sustained greater than a four percent binaural loss of hearing, for which he received a schedule award.

The Board has duly reviewed the case record in the present appeal and finds that the evidence fails to establish that appellant has greater than a four percent binaural hearing loss.

In its July 7, 1997 decision, the Office of Workers' Compensation Programs properly considered the medical evidence in support of appellant's claim and properly applied the American Medical Association, *Guides to the Evaluation of Permanent Impairment* (4<sup>th</sup> ed. 1993) in finding that appellant had an employment-related binaural hearing loss no greater than four percent.<sup>1</sup> An Office medical adviser reviewed the October 14, 1996 report submitted by Dr. Allan Gold, together with an audiogram obtained on October 11, 1996. Losses at frequencies of 500, 1,000, 2,000 and 3,000 cycles per second were added up and averaged and the "fence" of 25 decibels was deducted.<sup>2</sup> The remaining amount was multiplied by 1.5 to arrive at the percentage of monaural hearing loss. Losses in the right ear were 20, 20, 20 and 50 decibels, showing a loss of 3.75 percent. Losses in the left ear were 15, 25, 30 and 45, showing a loss of 5.625 percent. Binaural losses are calculated by multiplying the lesser loss by 5, adding the greater loss, then dividing the sum by 6, which in this case came to 4 percent, the amount the Office awarded.

Appellant contends on appeal that he was told at his exit physical that his hearing loss in both ears was 8 to 10 percent. The Board has carefully reviewed appellant's record and notes

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<sup>1</sup> See *Danniel C. Goings*, 37 ECAB 781 (1986) (where the Board concurred in the Office's use of the standards set forth in the A.M.A., *Guides* in evaluating hearing loss for schedule award purposes).

<sup>2</sup> The A.M.A., *Guides* points out that the loss below an average of 25 decibels does not result in impairment in the ability to hear everyday sounds under everyday listening conditions. A.M.A., *Guides* 224 (4th ed. 1993).

that an audiogram obtained on May 16, 1996, or about five months prior to the audiogram obtained by Dr. Gold, indicated that appellant had less than a four percent binaural loss of hearing. Losses in the right ear were 25, 25, 20 and 35, showing a loss of 1.875 percent. Losses in the left ear were 20, 25, 25 and 45, showing a loss of 3.75 percent. These figures support a binaural loss of 2.19 percent. If appellant was informed at his exit physical that his hearing loss in both ears was 8 to 10 percent, the estimate was not based on the application of the standardized procedures set forth in the A.M.A., *Guides*.

The Board notes that the Office has found that appellant is entitled to hearing aids and that he may contact the district office for instructions on receiving his hearing aids.

The July 7, 1997 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, D.C.  
April 12, 1999

Michael J. Walsh  
Chairman

George E. Rivers  
Member

Michael E. Groom  
Alternate Member