

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LANATTA MAE BROSSEAU YOACHUM and U.S. POSTAL SERVICE,
POST OFFICE, Springfield, Mo.

*Docket No. 97-2589; Submitted on the Record;
Issued July 15, 1999*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
WILLIE T.C. THOMAS

The issue is whether appellant has established that she has a ratable hearing loss causally related to factors of her federal employment.

The Board has duly reviewed the case record on appeal and finds that appellant has not established a ratable hearing loss in this case.

On July 21, 1995 appellant, then a 34-year-old mailhandler, filed an occupational disease claim, alleging that she sustained ringing, throbbing and soreness in both ears due to employment-related noise. The Office of Workers' Compensation Programs referred appellant, along with the medical record and a statement of accepted facts, to Dr. John H. Ippensen, a Board-certified otolaryngologist, for evaluation, to include audiometric testing. In reports dated January 23, 1996 and received by the Office on April 1, 1996, Dr. Ippensen advised that appellant suffered from employment-related tinnitus but had no hearing loss. On July 2, 1997 an Office medical adviser reviewed Dr. Ippensen's reports and determined that appellant had no hearing loss causally related to factors of employment. By letter dated April 12, 1996, the Office accepted that appellant sustained employment-related tinnitus, and on June 10, 1997 she filed a claim for a schedule award. After review by an Office medical adviser, by decision dated July 7, 1997, the Office found that appellant did not sustain a ratable hearing loss causally related to factors of her federal employment. The instant appeal follows.

Under section 8107 of the Federal Employees' Compensation Act and section 10.304 of the implementing regulations, schedule awards are payable for permanent impairment of specified bodily members, functions, or organs.¹ Neither the Act nor the regulations specify the manner in which the percentage of impairment shall be determined.

The Office evaluates industrial hearing loss in accordance with the standards contained in the American Medical Association, *Guides to the Evaluation of Permanent Impairment* (A.M.A.,

¹ 5 U.S.C. § 8107; 20 C.F.R. § 10.304.

Guides) using the frequencies of 500, 1,000, 2,000 and 3,000 hertz (Hz). The threshold levels at each frequency are added and averaged to determine the estimated hearing level for speech. A “fence” of 25 decibels (dBs) is deducted since, as the A.M.A., *Guides* points out, losses below 25 dBs result in no impairment in the ability to hear everyday speech in everyday conditions. The remaining amount is multiplied by 1.5 to arrive at the percentage of monaural hearing loss. The Board has concurred in the Office’s use of this standard for evaluating hearing losses for schedule award purposes.²

In the present case, the Office referred appellant for evaluation by Dr. Ippensen, a Board-certified otolaryngologist,³ who, in a January 19, 1994 audiogram, reported that the decibel levels were 25, 20, 20 and 15 at the frequencies of 500, 1,000, 2,000 and 3,000 Hz for the right ear, and 25, 15, 15 and 15 at these frequencies on the left. The average decibel level for the right ear was, therefore, 20 (80 divided by 4) and 17.5 for the left ear (70 divided by 4).

As noted by an Office medical adviser in a July 2, 1997 memorandum, after the fence of 25 decibels is deducted, no ratable hearing loss resulted in either the right or left ear. The record, therefore, indicates that, although appellant has an employment-related hearing loss, it is not considered ratable under the appropriate standards used to determine ratability for schedule awards under the Act.

The decision of the Office of Workers’ Compensation Programs dated July 7, 1997 is hereby affirmed.

Dated, Washington, D.C.
July 15, 1999

Michael J. Walsh
Chairman

David S. Gerson
Member

Willie T.C. Thomas
Alternate Member

² See *Daniel C. Goings*, 37 ECAB 781 (1986).

³ In a January 23, 1996 report, Dr. Ippensen diagnosed tinnitus and advised that appellant’s hearing was within normal limits. In a report received by the Office on April 1, 1996, he advised that the tinnitus was employment related.