

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of WILLIE N. McDONALD and DEPARTMENT OF THE ARMY,  
RED RIVER ARMY DEPOT, Texarkana, TX

*Docket No. 02-819; Submitted on the Record;  
Issued September 5, 2002*

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DECISION and ORDER

Before MICHAEL J. WALSH, ALEC J. KOROMILAS,  
DAVID S. GERSON

The issue is whether appellant has more than a seven percent binaural hearing loss.

On March 26, 2001 appellant, then a 53-year-old materials handler, filed a claim asserting that his hearing loss was a result of his federal employment. The Office of Workers' Compensation Programs referred him, together with a statement of accepted facts, to Dr. Rick Erickson, an otolaryngologist, for evaluation.

On July 10, 2001 audiometric testing at 500, 1000, 2000 and 3000 cycles per second revealed hearing thresholds of 20, 20, 35 and 40 decibels in the right ear and 20, 35, 40 and 40 decibels in the left. Test results were determined to be valid and representative of appellant's hearing sensitivity. Dr. Erickson diagnosed sensorineural hearing loss and indicated that it was due at least in part to noise exposure encountered in federal employment. Completing the Office's hearing evaluation form, Dr. Erickson indicated that appellant had an average hearing threshold of 29 decibels in the right ear and 32.5 decibels in the left, representing monaural impairments of 6 and 11.25 percent respectively. Using the formula for binaural impairment, Dr. Erickson reported that appellant's binaural impairment was 11.5 percent.

On October 2, 2001 an Office medical adviser reviewed Dr. Erickson's figures.<sup>1</sup> He determined that appellant's average hearing threshold was 28.75 decibels in the right ear and 33.75 decibels in the left, representing monaural impairments of 5.625 and 13.125 percent respectively. Using the formula for binaural impairment, the Office medical adviser reported that appellant's binaural impairment was 7 percent.

On January 16, 2002 the Office issued a schedule award for a seven percent binaural hearing loss.

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<sup>1</sup> The Office medical adviser explained that the audiometry of July 10, 2001 was used because it was the most recent and was an integral part of the evaluation of the consulting otologist.

The Board finds that appellant has no more than a seven percent binaural hearing loss.

The Office evaluates industrial hearing loss in accordance with the standards contained in the American Medical Association, *Guides to the Evaluation of Permanent Impairment*.<sup>2</sup> Using the frequencies of 500, 1000, 2000 and 3000 cycles per second, the losses at each frequency are added up and averaged. Then, a “fence” of 25 decibels is deducted because, as the A.M.A., *Guides* points out, losses below 25 decibels result in no impairment in the ability to hear everyday sounds under everyday conditions. The remaining amount is multiplied by a factor of 1.5 to arrive at the percentage of monaural hearing loss. The binaural loss is determined by calculating the loss in each ear using the formula for monaural loss; the lesser loss is multiplied by five, then added to the greater loss and the total is divided by six to arrive at the amount of the binaural hearing loss.<sup>3</sup> The Board has concurred in the Office’s adoption of this standard for evaluating hearing loss.<sup>4</sup>

According to the most recent audiometry, obtained on July 10, 2001, appellant’s hearing thresholds were 20, 20, 35 and 40 decibels in the right ear and 20, 35, 40 and 40 decibels in the left. These total 115 and 135 decibels, respectively, for averages of 28.75 and 33.75. Subtracting the “fence” of 25 decibels leaves 3.75 and 8.75 decibels.<sup>5</sup> Multiplying by 1.5 to determine monaural impairment yields percentage losses of 5.625 in the right ear and 13.125 in the left.

These losses are not simply added together: To determine binaural hearing loss, the lesser loss, 5.625, is multiplied by 5 and then added to the greater loss, 13.125. This result, 41.25, is divided by 6 for a binaural hearing loss estimate of 6.875 percent, which rounds to 7 percent.<sup>6</sup>

Appellant’s most recent audiometry shows that he has no more than a seven percent binaural hearing loss pursuant to the standardized procedures for determining binaural hearing loss are set forth in the A.M.A., *Guides*, which the Office properly followed in this case.

The Board has held that a schedule award is payable for the condition of tinnitus to the extent that such a condition has caused or contributed to a permanent and ratable loss of hearing.<sup>7</sup> The Office has properly evaluated the extent of appellant’s hearing loss in this case and it has properly issued schedule awards for that loss. The audiometry obtained on July 10, 2001 does not support that tinnitus has caused or contributed to any greater hearing loss than has

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<sup>2</sup> 20 C.F.R. § 10.404 (1999).

<sup>3</sup> A.M.A., *Guides* (5<sup>th</sup> ed. 2001).

<sup>4</sup> *Donald E. Stockstad*, 53 ECAB \_\_\_\_ (Docket No. 01-1570, issued January 23, 2002).

<sup>5</sup> Because appellant’s average hearing thresholds were over 25 decibels, he is considered to have an impairment in the ability to hear everyday sounds under everyday conditions, but only to the extent that the averages exceed 25 decibels.

<sup>6</sup> Regardless of when figures are rounded, the binaural hearing loss estimate remains seven percent.

<sup>7</sup> *Charles Joseph Kellerman*, 32 ECAB 333 (1980); *John T. Bradley*, 25 ECAB 348 (1974).

already been determined and, therefore, the Board finds that appellant is not entitled to an additional award for the condition of tinnitus.

The January 16, 2002 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC  
September 5, 2002

Michael J. Walsh  
Chairman

Alec J. Koromilas  
Member

David S. Gerson  
Alternate Member