

boiler feed pumps, clinker grinders and coal bunkers.¹ He later filed a claim for a schedule award due to this claimed hearing loss.

In August 2005, the Office referred appellant to Dr. James Fordice, a Board-certified otolaryngologist, for an otologic and audiologic evaluation. In a report dated August 25, 2005, Dr. Fordice indicated that his evaluation revealed that appellant had a bilateral sensorineural hearing loss which was related to his federal employment. He indicated that audiologic testing obtained on that date for the left ear at the frequency levels of 500, 1,000, 2,000 and 3,000 cycles per second revealed decibel losses of 20, 20, 20 and 40 respectively and that testing for the right ear at the frequency levels of 500, 1,000, 2,000 and 3,000 cycles per second revealed decibel losses of 15, 20, 20 and 40 respectively.

The Office accepted that appellant sustained a noise-induced bilateral hearing loss due to employment factors.

On October 11, 2005 the Office medical adviser reviewed the otologic and audiologic testing performed by Dr. Fordice and noted that appellant had a diagnosis of bilateral sensorineural hearing loss. The Office medical adviser applied the Office's standardized procedures to Dr. Fordice's evaluation and determined that appellant did not have a ratable hearing loss under the relevant standards.

By decision dated October 19, 2005, the Office determined that appellant did not have a ratable hearing loss and therefore was not entitled to a schedule award.

LEGAL PRECEDENT

The schedule award provision of the Federal Employees' Compensation Act² and its implementing regulation³ sets forth the number of weeks of compensation payable to employees sustaining permanent impairment from loss, or loss of use, of scheduled members or functions of the body. However, the Act does not specify the manner in which the percentage of loss shall be determined. For consistent results and to ensure equal justice under the law to all claimants, good administrative practice necessitates the use of a single set of tables so that there may be uniform standards applicable to all claimants. The American Medical Association, *Guides to the Evaluation of Permanent Impairment* (A.M.A., *Guides*) has been adopted by the implementing regulation as the appropriate standard for evaluating schedule losses.⁴

¹ Appellant last worked for the employing establishment in January 1989. The record contains a May 20, 2005 statement in which an employing establishment official indicated that appellant had worked two hours per day in the presence of hazardous noise from turbines, pulverizers, and iron worker shop equipment. The record contains several audiograms dated between 1967 and 1987 which were not taken or approved as accurate by a physician.

² 5 U.S.C. § 8107.

³ 20 C.F.R. § 10.404 (1999).

⁴ *Id.*

The Office evaluates industrial hearing loss in accordance with the standards contained in the A.M.A., *Guides*.⁵ Using the frequencies of 500, 1,000, 2,000 and 3,000 cycles per second, the losses at each frequency are added up and averaged.⁶ Then, the “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 speech under everyday conditions.⁷ The remaining amount is multiplied by a factor of 1.5 to arrive at the percentage of monaural hearing loss.⁸ 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.⁹ The Board has concurred in the Office’s adoption of this standard for evaluating hearing loss.¹⁰

ANALYSIS

On October 11, 2005 the Office medical adviser reviewed the otologic and audiologic testing performed by Dr. Fordice, a Board-certified otolaryngologist, and applied the Office’s standardized procedures to this evaluation. Testing for the left ear at the frequency levels of 500, 1,000, 2,000 and 3,000 cycles per second revealed decibel losses of 20, 20, 20 and 40 respectively. These decibel losses were totaled at 100 decibels and were divided by 4 to obtain the average hearing loss of 25 decibels. This average loss was then reduced by 25 decibels (25 decibels being discounted as discussed above) to equal 0 which was multiplied by the established factor of 1.5 to arrive at a 0 percent hearing loss in the left ear. Testing for the right ear at the frequency levels of 500, 1,000, 2,000 and 3,000 cycles per second revealed decibel losses of 15, 20, 20 and 40 respectively. These decibel losses were totaled at 95 decibels and when divided by 4 resulted in an average hearing loss of 23.75 decibels. This average loss when reduced by 25 decibels (25 decibels being discounted as discussed above) equals a number less than 0 which when multiplied by the established factor of 1.5 revealed that appellant had a 0 percent hearing loss in the right ear.

The Board finds that the Office medical adviser properly applied the relevant standards to find that appellant does not have a ratable hearing loss. The Office properly determined that he is not entitled to a schedule award for a hearing loss.¹¹

⁵ A.M.A., *Guides* at 226-51 (5th ed. 2001).

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Donald Stockstad*, 53 ECAB 301 (2002); *petition for recon. granted (modifying prior decision)*, Docket No. 01-1570 (issued August 13, 2002).

¹¹ The record contains several audiograms dated through the late 1980s, but none of these were certified by a physician as accurate. The Board has held that if an audiogram is prepared by an audiologist it must be certified by a physician as being accurate before it can be used to determine the percentage of hearing loss. *Joshua A. Holmes*, 42 ECAB 231, 236 (1990).

CONCLUSION

The Board finds that the Office properly determined that appellant was not entitled to a schedule award for a hearing loss.

ORDER

IT IS HEREBY ORDERED THAT the Office of Workers' Compensation Programs' October 19, 2005 decision is affirmed.

Issued: February 2, 2006
Washington, DC

David S. Gerson, Judge
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board