

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of BERNARD R. BURROUGHS and DEPARTMENT OF TREASURY,  
BUREAU OF ENGRAVING & PRINTING, Washington, D.C.

*Docket No. 96-1646; Submitted on the Record;  
Issued April 10, 1998*

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DECISION and ORDER

Before GEORGE E. RIVERS, WILLIE T.C. THOMAS,  
A. PETER KANJORSKI

The issue is whether appellant has established that he has a ratable hearing loss causally related to noise exposure in his federal employment.

On June 1, 1995 appellant, a 58-year-old plate printer, filed a claim alleging that he sustained a hearing loss as a result of noise exposure in his federal employment. By decisions dated November 29, 1995 and January 31, 1996, the Office of Workers' Compensation Programs accepted that appellant had an employment-related hearing loss, but found that the hearing loss was not considered ratable under the appropriate standards.

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

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.<sup>1</sup> 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., *Guides*) using the frequencies of 500, 1,000, 2,000 and 3,000 hertz (Hz). The threshold levels at each frequency are added up 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.

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<sup>1</sup> 5 U.S.C. § 8107; 20 C.F.R. § 10.304.

The Board has concurred in the Office's use of this standard for evaluating hearing losses for schedule award purposes.<sup>2</sup>

In the present case, the Office referred appellant for evaluation by Dr. Norman Lee Barr, Jr., a Board-certified otolaryngologist. In a report dated August 14, 1995, Dr. Barr provided results on examination and indicated that appellant had a noise-induced hearing loss. The accompanying audiogram reported that for the right ear, the decibel levels were 5, 5, 25 and 50 at the frequencies of 500, 1,000, 2,000 and 3,000 Hz. For the left ear, the decibel levels were 5, 10, 20 and 40 at these frequencies. The average decibel level for the right ear is therefore 21.5 (85 divided by 4) and 18.75 for the left ear (75 divided by 4).

As noted by an Office medical adviser in a memorandum dated November 28, 1995, after the fence of 25 is deducted, no ratable loss results 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 impairment under the Act. The Office properly determined that appellant was not entitled to a schedule award in this case.

The decisions of the Office of Workers' Compensation Programs dated January 31, 1996 and November 29, 1995 are affirmed.

Dated, Washington, D.C.  
April 10, 1998

George E. Rivers  
Member

Willie T.C. Thomas  
Alternate Member

A. Peter Kanjorski  
Alternate Member

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<sup>2</sup> See *Danniel C. Goings*, 37 ECAB 781 (1986).