

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CLARENCE E. EDMUNDS and DEPARTMENT OF THE NAVY,
MARINE CORPS LOGISTICS BASE, Albany, Ga.

*Docket No. 96-1639; Submitted on the Record;
Issued June 11, 1998*

DECISION and ORDER

Before WILLIE T.C. THOMAS, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant had more than an 11 percent permanent loss of hearing in his left ear for which he received a schedule award.

On July 31, 1995 appellant, then a 49-year-old heavy mobile equipment mechanic, filed an occupational disease claim alleging that he sustained a hearing loss which he attributed to noise exposure at work.

By letter dated November 20, 1995, the Office of Workers' Compensation Programs referred appellant, along with a statement of accepted facts, for audiologic and otologic evaluation by Dr. John R. Grant, a Board-certified otolaryngologist.

Dr. Grant submitted a December 11, 1995 report noting that appellant had a binaural sensorineural hearing loss due, in part, to his federal employment. An audiogram submitted with Dr. Grant's report and also dated December 11, 1995 indicated testing at 500, 1,000, 2,000, and 3,000 hertz and revealed in the right ear losses of 10, 10, 15, and 50 decibels, respectively; and in the left ear losses of 20, 15, 30 and, 65 decibels, respectively.

An Office medical adviser reviewed Dr. Grant's report and the December 11, 1995 audiogram and applied the Office's standardized procedures to calculate an impairment rating of 11 percent monaural hearing loss in appellant's left ear.

By decision dated February 29, 1996, the Office granted appellant a schedule award for an 11 percent hearing loss in the left ear.

The Board finds that appellant has no more than an 11 percent loss of hearing in his left ear for which he received a schedule award.

The schedule award provisions of the Federal Employees' Compensation Act¹ set forth the number of weeks of compensation to be paid for permanent loss or loss of use of the members of the body listed in the schedule. The Act does not specify the manner in which the percentage loss of a member shall be determined. The method used in making such determination is a matter which rests in the sound discretion of the Office.² However, for consistent results and to ensure equal justice 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.³

The Office evaluates industrial hearing loss in accordance with the standards contained in the American Medical Association, *Guides to the Evaluation of Permanent Impairment* using the frequencies of 500, 1,000, 2,000, and 3,000 cycles per second. The losses at each frequency are added and averaged and a "fence" of 25 decibels is deducted since, 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. The remaining amount is multiplied by 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 5, then added to the greater loss and the total is divided by 6 to arrive at the amount of the binaural hearing loss.⁴ The Board has concurred in the Office's use of this standard for evaluating hearing losses for schedule award purposes.⁵

In the instant case, the audiogram obtained for Dr. Grant showed decibel losses of 10, 10, 15 and 50 for the right ear at frequencies of 500, 1,000, 2,000, and 3,000 cycles per second for a total loss of 85 decibels. Dividing the total of 85 by 4 equals a 21.25 average hearing loss and reducing this 21.25 average loss by the "fence" of 25 decibels and multiplying by 1.5 equals a 0 percent hearing loss in the right ear according to the Office's standardized procedures for determining hearing loss. The audiogram showed decibel losses of 20, 15, 30, and 65 in the left ear at frequencies of 500, 1,000, 2,000, and 3,000 cycles per second for a total loss of 130 decibels. Dividing this total of 130 by 4 equals a 32.5 decibel average hearing loss and reducing this average by 25 decibels and multiplying by 1.5 equals an 11.25 percent hearing loss in the left ear. The Office properly granted appellant a schedule award for an 11 percent hearing loss in his left ear.

¹ 5 U.S.C. §§ 8101-8193; *see* § 8107.

² *Danniel C. Goings*, 37 ECAB 781, 783 (1986); *Richard Beggs*, 28 ECAB 387, 390-91 (1977).

³ *Henry L. King*, 25 ECAB 39, 44 (1973); *August M. Buffa*, 12 ECAB 324, 325 (1961).

⁴ FECA Program Memorandum No. 272 (issued February 24, 1986).

⁵ *Danniel C. Goings*, *supra* note 2.

The February 29, 1996 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, D.C.
June 11, 1998

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member