

U.S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of DELBERT F. PARSONS and DEFENSE LOGISTICS AGENCY,  
TINKER AIR FORCE BASE, Okla.

*Docket No. 97-306; Submitted on the Record;  
Issued September 15, 1998*

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DECISION and ORDER

Before MICHAEL J. WALSH, MICHAEL E. GROOM,  
BRADLEY T. KNOTT

The issue is whether appellant has more than a 15 percent binaural hearing loss for which he received a schedule award.

On March 4, 1995 appellant, then a 42-year-old commissary worker, filed a notice of occupational disease and claim for compensation (Form CA-2) alleging that he sustained a hearing loss causally related to factors of his federal employment. Appellant stated that he first learned of his condition and attributed it to his employment on June 24, 1988.

Accompanying the claim and subsequent to a request of the Office of Workers' Compensation Programs for additional information, appellant and the employing establishment submitted additional evidence indicating that appellant had loud noise exposure at work. Also submitted were results of audiometric testing taken in 1988 and 1994.

In a letter dated September 14, 1995, the Office referred appellant and a statement of accepted facts to Dr. Charles R. Vest, a Board-certified otolaryngologist, for an audiologic and otologic evaluation of appellant. The audiologist performing a September 20, 1995 audiogram for Dr. Vest noted findings on audiological evaluation. At the frequencies of 500, 1,000, 2,000 and 3,000 hertz, the following thresholds were reported: right ear -- 30, 45, 95 and 95 decibels; left ear -- 25, 25, 25 and 40 decibels.

In a report dated September 25, 1995, Dr. Vest reviewed the audiogram taken on his behalf, noted findings on examination, and diagnosed a high frequency sensorineural hearing loss in both ears which he attributed to appellant's federal employment. The physician recommended a hearing aid at appellant's discretion.

In an October 5, 1995 report, an Office medical adviser reviewed Dr. Vest's report and the audiogram taken for him and opined that appellant had sustained a 15 percent permanent impairment of his binaural hearing loss and recommended hearing aids.

In a decision dated December 22, 1995, the Office accepted that appellant had 15 percent permanent impairment as a result of appellant's employment-related bilateral hearing loss and authorized hearing aids. The Office further indicated that hearing aids were authorized.

The Board finds that appellant has no more than a 15 percent binaural hearing loss for which he received a schedule award.

The schedule award provisions of the Federal Employees' Compensation Act provide for compensation to employees sustaining impairment from loss, or loss of use, of specified members of the body.<sup>1</sup> The Act, however, 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.<sup>2</sup> For consistent results and to ensure equal justice, the Board has authorized the use of a single set of tables so that there may be uniform standards applicable to all appellants. The American Medical Association, *Guides to the Evaluation of Permanent Impairment* (4th ed. 1993) has been adopted by the Office as a standard for evaluating scheduled losses and the Board has concurred in such adoption.<sup>3</sup>

Under the A.M.A., *Guides*, hearing loss is evaluated by determining decibel loss at the frequency levels of 500, 1,000, 2,000 and 3,000 hertz. The losses at each frequency are added up and averaged and a "fence" of 25 decibels is deduced since, as the A.M.A., *Guides* points out, losses below 25 decibels result in no impairment in the ability to hear everyday speech in everyday conditions.<sup>4</sup> Then the remaining amount is multiplied by 1.5 to arrive at the percentage loss of monaural 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 binaural hearing loss.<sup>5</sup>

The Office medical adviser applied the Office's standardized procedures to the September 20, 1995 audiogram performed for Dr. Vest. Testing for the right ear at frequency levels of 500, 1,000, 2,000 and 3,000 hertz revealed hearing losses of 30, 45, 95 and 95 decibels. These decibels were totaled to 265 and were divided by 4 to obtain the average hearing loss at those cycles of 66.25 decibels. The average of 66.25 decibels was then reduced by 25 decibels (the first 25 decibels were discounted as discussed above) to equal 41.25 which was multiplied by the established factor of 1.5 to compute a 61.875 percent in the right ear. Testing for the left ear revealed hearing losses of 25, 25, 25 and 40 decibels. These decibels were totaled to 115 and were divided by 4 to obtain the average hearing loss at those cycles of 28.75 decibels. The average of 28.75 decibels was then reduced by 25 decibels (the first 25 decibels were discounted as discussed above) to equal 3.75 which was multiplied by the established factor of 1.5 to compute a 5.625 percent in the left ear. The binaural loss is determined by calculating the loss in

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<sup>1</sup> 5 U.S.C. § 8107(c).

<sup>2</sup> *Kenneth E. Leone*, 46 ECAB 133 (1994).

<sup>3</sup> *Joseph Hilton Davis*, 46 ECAB 893 (1995).

<sup>4</sup> A.M.A., *Guides*, 224 (4th ed. 1993).

<sup>5</sup> *Id.*

each ear using the formula for monaural loss. The lesser amount, 5.625, is multiplied by 5, then added to the greater loss, 61.875, and the total is divided by 6 to arrive at a 15 percent binaural hearing loss.

The Board finds that the Office medical adviser applied the proper standards to the findings as stated in Dr. Vest's September 25, 1995 and the accompanying September 20, 1995 audiogram performed on his behalf. This resulted in a calculation of a 15 percent hearing loss as set forth above.

The December 22, 1995 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, D.C.  
September 15, 1998

Michael J. Walsh  
Chairman

Michael E. Groom  
Alternate Member

Bradley T. Knott  
Alternate Member