

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LARRY O. WEBERG and DEPARTMENT OF LABOR, MINE SAFETY &
HEALTH ADMINISTRATION, Denver, CO

*Docket No. 98-962; Submitted on the Record;
Issued August 25, 1999*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
DAVID S. GERSON

The issue is whether appellant has a ratable hearing loss causally related to noise exposure during his federal employment.

Appellant filed a claim on May 7, 1997 alleging that he sustained a hearing loss causally related to noise exposure in his federal employment. The Office of Workers' Compensation Programs referred appellant for audiologic examination by Dr. J.A. Marcel, an otolaryngologist, who submitted a report dated September 24, 1997, with an accompanying audiogram dated September 2, 1997. The audiogram revealed decibel levels in the right ear of 10, 15, 15 and 40 at the frequencies of 500, 1,000, 2,000 and 3,000 hertz (Hz) respectively. For the left ear, the decibel levels were 5, 10, 25 and 45 at the same frequencies.

By decision dated November 25, 1997, the Office determined that appellant's hearing loss was not ratable and therefore he was not entitled to a schedule award.

The Board has reviewed the record and finds that appellant has not established a ratable 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* using the frequencies of 500, 1,000, 2,000 and 3,000 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 is deducted since, as the A.M.A., *Guides* points out, levels below 25 decibels 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. The Board has concurred in the Office's use of this standard for evaluating hearing losses for schedule award purposes.¹

¹ See *Daniel C. Goings*, 37 ECAB 781 (1986).

In this case, an Office medical adviser, in a form report (CA-51) dated November 24, 1997, calculated the percentage of hearing loss based on the September 2, 1997 audiogram. For both ears, the average decibel loss at the relevant frequencies is less than 25, and therefore after the fence of 25 is deducted, the balance is less than 0. The medical adviser therefore properly concluded that appellant did not have a ratable hearing loss under the A.M.A., *Guides*.

The Board notes that Dr. Marcel diagnosed bilateral tinnitus and opined that appellant's tinnitus was causally related to appellant's federal employment. With respect to a schedule award, the condition of tinnitus is relevant only to the extent that it contributes to a ratable loss of hearing.² As noted above, the evidence does not establish a ratable hearing loss in this case. However, since the uncontradicted medical evidence indicates that the tinnitus was employment related, the Office should accept the condition of bilateral tinnitus.³

The decision of the Office of Workers' Compensation Programs dated November 25, 1997, is modified to find that appellant sustained a bilateral tinnitus in the performance of duty, and affirmed as modified.

Dated, Washington, D.C.
August 25, 1999

Michael J. Walsh
Chairman

George E. Rivers
Member

David S. Gerson
Member

² *Donald A. Larson*, 41 ECAB 947, 955 (1990).

³ *See id* at 953.