

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of FRANCIS A. SOPEL and DEPARTMENT OF THE ARMY,  
ABERDEEN PROVING GROUND, Aberdeen, Md.

*Docket No. 97-1485; Submitted on the Record;  
Issued February 2, 1999*

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DECISION and ORDER

Before MICHAEL J. WALSH, BRADLEY T. KNOTT,  
A. PETER KANJORSKI

The issue is whether appellant has a ratable hearing loss that would entitle him to a schedule award.

The Board has duly reviewed the case record in the present appeal and finds that appellant does not have an impairment to his hearing resulting in a ratable hearing loss.

In its January 30, 1997 decision, the Office of Workers' Compensation Programs properly considered the medical evidence in support of appellant's claim and applied the American Medical Association, *Guides to the Evaluation of Permanent Impairment*<sup>1</sup> in finding that appellant's employment-related hearing loss was not ratable for schedule award purposes. Dr. James H. Kelly, a Board-certified otolaryngologist, submitted an October 10, 1996 report as well as an audiogram obtained on October 3, 1996 conforming to the applicable criteria. The losses at the frequencies of 500, 1,000, 2,000 and 3,000 cycles per second were added up and averaged and the "fence" of 25 decibels was deducted.<sup>2</sup> The remaining amount was multiplied by 1.5 to arrive at the percentage of monaural hearing loss. For hearing levels recorded in the right ear of 5, 10, 15 and 25 decibels and in the left ear of 10, 10, 10 and 20 decibels, the above formula yields a nonratable hearing loss.

The Board finds that the Office followed standardized procedures in evaluating appellant's loss of hearing and properly denied compensation for permanent impairment on the grounds that appellant's loss of hearing was not ratable. The November 13, 1995 letter appellant received from the Kirk U.S. Army Health Clinic, notifying him that he had sustained a loss of

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<sup>1</sup> A.M.A., *Guides* (4th ed. 1993); see *Danniel C. Goings*, 37 ECAB 781 (1986) (where the Board concurred in the Office's use of the standards set forth in the A.M.A., *Guides* in evaluating hearing loss for schedule award purposes).

<sup>2</sup> The A.M.A., *Guides* points out that an average loss below 25 decibels does not result in impairment in the ability to hear everyday sounds under everyday listening conditions. A.M.A., *Guides* 224 (4th ed. 1993).

hearing since his reference audiogram, does not support that the loss was great enough to entitle appellant to a schedule award. Further, the Board has reviewed the numerous audiograms appearing in the case record and notes that no audiograms reports losses great enough to demonstrate a ratable hearing loss.

The January 30, 1997 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, D.C.  
February 2, 1999

Michael J. Walsh  
Chairman

Bradley T. Knott  
Alternate Member

A. Peter Kanjorski  
Alternate Member