

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of DENNIS L. GEBHEIM and U.S. AIR FORCE,  
HILL AIR FORCE BASE, UT

*Docket No. 98-796; Submitted on the Record;  
Issued November 18, 1999*

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DECISION and ORDER

Before GEORGE E. RIVERS, DAVID S. GERSON,  
BRADLEY T. KNOTT

The issue is whether appellant has met his burden of proof in establishing that he sustained a ratable hearing loss causally related to the factors of his federal employment.

On April 23, 1996 appellant, then a 55-year-old aircraft engine mechanic, filed a notice of occupational disease, Form CA-2, alleging that he sustained bilateral hearing loss in the course of his federal employment. Appellant stated that he first became aware of his hearing loss and realized that it was caused or aggravated by his employment in 1983.<sup>1</sup>

Accompanying the claim, the employing establishment submitted various documents, including medical reports, copies of audiograms taken during appellant's employment and an occupational noise exposure survey documenting that appellant was exposed to loud noise at work.

The Office of Workers' Compensation Programs referred appellant, a statement of accepted facts, medical records and copies of the audiograms to Dr. James A. Hamp, a Board-certified otolaryngologist. Audiological testing performed on March 20, 1997 for Dr. Hamp revealed decibel losses of 10, 10, 15, 45 at 500, 1,000, 2,000 and 3,000 hertz in the right ear and decibel losses of 10, 10, 10 and 70 in the left ear. Dr. Hamp opined that appellant's workplace exposure was directly responsible for a majority of his hearing loss.

In a June 17, 1997 report, an Office medical adviser opined, after reviewing a statement of accepted facts and Dr. Hamp's March 21, 1997 report and accompanying audiogram, that appellant did not have a ratable hearing loss. The medical adviser stated that the date of maximum medical improvement was March 20, 1997 and authorized aural rehabilitation if recommended.

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<sup>1</sup> The record reveals that appellant retired as of January 3, 1996.

In a July 1, 1997 letter, the Office accepted appellant's claim for bilateral hearing loss due to injury. Although the Office determined that appellant was not entitled to a schedule award, it found that appellant was entitled to medical benefits.

On July 17, 1997 appellant requested a review of the written record. In support, appellant contended that the audiogram did not include word perception with induced background noise.

By decision finalized October 29, 1997, the hearing representative denied appellant's request for a schedule award. The Office determined that appellant had a zero percent hearing loss. Additionally, the Office rejected appellant's contention that the audiogram was not performed properly.

The Board finds that appellant has not sustained a ratable hearing loss causally related to factors of his federal employment.

The schedule award provision of the Federal Employees' Compensation Act provides for compensation to employees sustaining impairment from loss, or loss of use of, specified members of the body.<sup>2</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>3</sup> For consistent results and to ensure equal justice under the law to all claimants, good administrative practice necessitates the use of a single set of tables so that there may be a uniform standard applicable to all claimants.<sup>4</sup> The American Medical Association, (A.M.A), *Guides to the Evaluation of Permanent Impairment*<sup>5</sup> has been adopted by the Office and the Board has concurred in such adoption, as an appropriate standard for evaluating schedule losses.<sup>6</sup>

In addition to the standard by which it computes the percentage of hearing loss, the Office has delineated requirements for the type of medical evidence used in evaluating hearing loss. The requirements, as set forth in the Office's procedure manual, are inter alia, that the employee undergo both audiometric and otologic examination; that the audiometric testing precede the otologic examination; that the audiometric testing be performed by an appropriately certified audiologist; that the otologic examination be performed by an otolaryngologist certified or eligible for certification by the American Academy of Otolaryngology; that the audiometric and otologic examination be performed by different individuals as a method of evaluating the reliability of the findings; that all audiological equipment authorized for testing meet the calibration protocol contained in the accreditation manual of the American Speech and Hearing

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<sup>2</sup> 5 U.S.C. § 8107.

<sup>3</sup> *Daniel C. Goings*, 37 ECAB 781, 783 (1986); *Richard Beggs*, 28 ECAB 387, 390-91 (1977).

<sup>4</sup> *Id.*

<sup>5</sup> American Medical Association, *Guides to the Evaluation of Permanent Impairment* (fourth edition 1993), hereinafter A.M.A., *Guides*.

<sup>6</sup> *Daniel C. Goings*, *supra* note 3.

Association, that the audiometric test results include both bone conduction and pure tone air conduction thresholds, speech reception thresholds and monaural discrimination scores; and that the otolaryngologist's report must include: date and hour of examination, date and hour of employee's last exposure to loud noise, a rationalized medical opinion regarding the relationship of the hearing loss to the employment-related noise exposure and a statement of the reliability of the tests.<sup>7</sup>

Under the A.M.A., *Guides*,<sup>8</sup> 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 deducted since, as the A.M.A., *Guides* points out, losses below 25 decibels result in no impairment in the ability to hear everyday sounds in everyday listening 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 five, then added to the greater loss and the total is divided by six to arrive at the amount of the binaural hearing loss.<sup>9</sup>

The Office medical adviser applied the Office's standardized procedure to the March 20, 1997 audiogram performed for Dr. Hamp. Testing for the right ear at frequency levels of 500, 1,000, 2,000 and 3,000 hertz revealed decibel loss of 10, 10, 15, 45, respectively. These decibels were totaled at 80 and were divided by 4 to obtain the average hearing loss at those cycles of 20 decibels. The average of 20 decibels was then reduced by 25 decibels (the first 25 decibels were discounted as discussed above) to equal zero which was multiplied by 1.5 to compute a zero percent loss of hearing for the right ear. Testing for the left ear at the frequency levels of 500, 1,000, 2,000 and 3,000 revealed decibels losses of 10, 10, 10, 70, respectively. These decibels were totaled at 100 and were divided by \*4 to obtain the average hearing loss at those cycles of 25 decibels. The average of 25 decibels was then reduced by 25 decibels (as explained) to equal zero which was multiplied by the established factor of zero to compute a zero percent loss of hearing to the left ear. The Office determined that there was no ratable hearing loss.

The Board finds that the Office medical adviser properly applied the appropriate standards to the findings provided by Dr. Hamp's report dated March 21, 1997 and the accompanying audiogram. This resulted in a calculation of a zero percent hearing loss as set forth above. Therefore, the Office established that appellant has no ratable hearing loss causally related to factors of his federal employment.

On appeal, appellant contends that the March 20, 1997 audiogram did not fully comply with the hearing loss medical requirements as it did not include word perception with

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<sup>7</sup> *Raymond H. VanNett*, 44 ECAB 480, 483 (1993); Federal (FECA) Procedure Manual, Part 4 -- Medical Management, Hearing Loss Chapter 4.300 (May 1991).

<sup>8</sup> A.M.A., *Guides* (fourth edition 1993).

<sup>9</sup> *Danniel C. Goings*, *supra* note 3.

background noise.<sup>10</sup> A review of the March 20, 1997 audiogram reveals no evidence that it was not performed in compliance with the Office medical requirements.<sup>11</sup>

The October 29, 1997 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, D.C.  
November 18, 1999

George E. Rivers  
Member

David S. Gerson  
Member

Bradley T. Knott  
Alternate Member

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<sup>10</sup> Appellant also expressed disagreement with allegations in the record that he failed to wear hearing protection at times. It is noted that when calculating the schedule award, factors such as whether appellant wore hearing protection during his employment are irrelevant

<sup>11</sup> See Federal (FECA) Procedure Manual Chapter 3.0600, Exhibit 4.