

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of THEODORE A. KLOSOWSKI and DEPARTMENT OF THE AIR FORCE,
AIR NATIONAL GUARD BASE, Duluth, MN

*Docket No. 98-490; Submitted on the Record;
Issued September 10, 1999*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant has a ratable loss of hearing.

On January 31, 1997 appellant filed a claim for a loss of hearing due to his exposure to noise as an aircraft mechanic. On July 7, 1997 the Office of Workers' Compensation Programs referred appellant and a statement of accepted facts to Dr. Joseph H. Leek, a Board-certified otolaryngologist, for an evaluation of his hearing loss and its relation to his employment. By decision dated November 14, 1997, the Office found that appellant had a hearing loss due to his employment-related noise exposure, but that his hearing loss was not severe enough to be considered ratable under the standards used by the Office.

The schedule award provision of the Federal Employees' Compensation Act¹ and its implementing regulation² set forth the number of weeks of compensation payable to employees sustaining permanent impairment from loss, or loss of use, of specified members or functions of the body. However, the Act does not specify the manner in which the percentage of loss shall be determined. 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 uniform standards applicable to all claimants. The American Medical Association, *Guides to the Evaluation of Permanent Impairment* (A.M.A., *Guides*) has been adopted by the Office and the Board has concurred in such adoption, as an appropriate standard for evaluating schedule losses.³

The Office currently evaluates industrial hearing loss in accordance with the standards contained in the 4th edition of the A.M.A., *Guides*. Using the frequencies of 500, 1,000, 2,000

¹ 5 U.S.C. § 8107.

² 20 C.F.R. § 10.304.

³ *George L. Cooper*, 40 ECAB 296 (1988).

and 3,000 cycles per second, the losses at each frequency are added. If the total is over 100, the loss is determined by reference to Table 1 of Chapter 9 of the 4th edition of the A.M.A., *Guides*. The A.M.A., *Guides* points out: "If the average of the hearing levels at 500, 1,000, 2,000, and 3,000 hertz is 25 decibels or less, according to 1989 ANSI standards, no impairment is considered to exist in the ability to hear everyday sounds under everyday listening conditions."

The audiogram done for Dr. Leek showed decibel losses at 500, 1,000, 2,000 and 3,000 cycles per second of 5, 0, 15 and 45 for the right ear, and 10, 5, 20 and 50 for the left ear. An Office medical adviser added these losses and noted that the result of 65 on the right and 85 on the left reflected a 0 percent loss in each ear under the tables of the A.M.A., *Guides*. The Board therefore finds that appellant does not have a ratable hearing loss that would entitle him to a schedule award under the Act.

The decision of the Office of Workers' Compensation Programs dated November 14, 1997 is affirmed.

Dated, Washington, D.C.
September 10, 1999

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member