

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CLARENCE E. BURROWS and DEPARTMENT OF THE ARMY,
Fort Rucker, AL

*Docket No. 98-1837; Submitted on the Record;
Issued February 9, 2000*

DECISION and ORDER

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

The issue is whether appellant sustained a compensable loss of hearing causally related to factors of his federal employment.

On August 11, 1996 appellant, a 47-year-old pneudraulic specialist, filed a claim for an occupational disease (Form CA-2) alleging, *inter alia*,¹ that he sustained a loss of hearing in his right ear causally related to factors of his federal employment.² By decision dated May 13, 1997, the Office of Workers' Compensation Programs advised appellant that it accepted that he sustained a loss of hearing in his right ear causally related to factors of his federal employment but that he was not entitled to a schedule award under the Federal Employees' Compensation Act³ as such loss was not ratable.

The Board has duly reviewed the evidence contained in the case record presented on appeal and finds that appellant has not sustained a compensable loss of hearing causally related to factors of his federal employment.

The Office medical adviser properly considered the medical evidence in support of appellant's claim and applied the American Medical Association, *Guides to the Evaluation of Permanent Impairment* (fourth edition, 1993)⁴ to the March 31, 1997 audiogram and report of

¹ Appellant also alleged that he experienced difficulty breathing and problems with his left shoulder and back, which he attributed to factors of his federal employment. The Board notes that the Office is in the process of developing appellant's claim for a pulmonary condition.

² Appellant stopped working on December 5, 1995 and medically retired effective May 5, 1996.

³ 5 U.S.C. §§ 8101, 8107(c)(13)(A).

⁴ The A.M.A., *Guides* points out that the losses below an average of 25 decibels do not result in impairment in the ability to hear everyday sounds under everyday listening conditions; see A.M.A., *Guides* 224 (fourth edition, 1993).

Dr. Gregory H. Borg, a Board-certified otolaryngologist. The medical adviser concluded that, based on the report and audiogram of Dr. Borg, appellant sustained a mild high frequency sensorineural loss of hearing in the right ear.

According to the A.M.A., *Guides*, the losses at the frequencies of 500, 1,000, 2,000 and 3,000 cycles per second are added up and averaged and the “fence” of 25 decibels is deducted.⁵ The remaining amount is multiplied by 1.5 to arrive at the percentage of monaural hearing loss. The frequency levels recorded by Dr. Borg at 500, 1,000, 2,000 and 3,000 cycles per second for the right ear, 15, 10, 20 and 20, respectively, were totalled at 6.5 decibels and divided by 4 to obtain the average hearing loss at those frequencies at 16.25. The average 16.25 was reduced by 25 decibels to equal 0, which was multiplied by the established factor of 1.5 to compute a 0 percent monaural loss of hearing for the right ear. Thus, the Office properly concluded that appellant had not sustained a compensable loss of hearing in his right ear. The Board finds that, although the medical evidence of record, as represented by Dr. Borg, reveals that appellant sustained an employment-related loss of hearing in his right ear, it was not sufficiently great to be ratable for purposes of entitlement to a schedule award under the Act.⁶

The decision of the Office of Workers’ Compensation Programs dated May 13, 1997 is hereby affirmed.

Dated, Washington, D.C.
February 9, 2000

Michael J. Walsh
Chairman

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member

⁵ *Id.*

⁶ *Royce L. Chute*, 36 ECAB 202 (1984).