

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CARL EVANS and DEPARTMENT OF THE AIR FORCE,
EGLIN AIR FORCE BASE, FL

*Docket No. 99-1457; Submitted on the Record;
Issued June 15, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
WILLIE T.C. THOMAS

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

In a decision dated December 7, 1998, the Office of Workers' Compensation Programs advised appellant that, while his claim had been accepted for a hearing loss due to employment-related noise exposure, the hearing loss was not severe enough to be considered ratable. This determination was based upon the December 7, 1998 calculation of the Office's medical adviser, which in turn, was made on the basis of an August 11, 1998 audiological evaluation and report submitted by Dr. James M. Carlisle, III, an otolaryngologist.

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

Section 8107 of the Federal Employees' Compensation Act¹ sets forth the number of weeks of compensation to be paid for the permanent loss of use of specified members, functions and organs of the body. The Act, however, does not specify the manner by which the percentage loss of a member, function or organ shall be determined. The method of determining this percentage rests in the sound discretion of the Office.² To ensure consistent results and equal justice under the law to all claimants, good administrative practice requires the use of uniform standards applicable to all claimants.³

¹ 5 U.S.C. § 8107.

² *Daniel C. Goings*, 37 ECAB 781 (1986); *Richard Beggs*, 28 ECAB 387 (1977).

³ *Henry L. King*, 25 ECAB 39, 44 (1973); *August M. Buffa*, 12 ECAB 324, 325 (1961).

The Office evaluates permanent hearing loss in accordance with the standards contained in the American Medical Association, *Guides to the Evaluation of Permanent Impairment* (4th ed. 1993). Utilizing the hearing levels recorded at frequencies 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 because, as the A.M.A., *Guides* points out, losses below 25 decibels result in no impairment in the ability to hear everyday sounds under everyday conditions.⁴ 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.⁵ The Board has concurred in the Office’s adoption of this standard for evaluating hearing loss.⁶

In reviewing appellant’s most recent August 11, 1998 audiogram, the frequency levels recorded at 500, 1,000, 2,000 and 3,000 hertz for the right ear reveal decibel losses of 15, 15, 20 and 40, respectively, for a total of 90 decibels. When this figure is divided by 4, the result is an average hearing loss of 22.5 decibels. The average loss of 22.5 is reduced by 25 decibels to equal -2.5, which when multiplied by the established factor of 1.5, results in a 0 percent monaural hearing loss for the right ear.⁷ Testing for the left ear at the frequency levels of 500, 1,000, 2,000 and 3,000 hertz revealed decibel losses of 10, 10, 10 and 30 decibels respectively, for a total of 60 decibels. Utilizing the same above-noted formula results in a 0 percent monaural hearing loss for the left ear.⁸ Accordingly, pursuant to the Office’s standardized procedures, the Office’s medical adviser determined that appellant had a nonratable hearing loss in both ears.

The Board finds that the Office medical adviser applied the proper standards to the findings as stated in Dr. Carlisle’s report and the accompanying August 11, 1998 audiogram performed on his behalf. This resulted in a calculation of a nonratable hearing loss as set forth above. Consequently, the Office properly determined that appellant was not entitled to a schedule award.

⁴ See A.M.A., *Guides* at 224 (4th ed. 1993); see also *Kenneth T. Esther*, 25 ECAB 335; *Terry A. Wethington*, 25 ECAB 247.

⁵ FECA Program Memorandum No. 272 (issued February 24, 1986).

⁶ *Danniel C. Goings*, *supra* note 2.

⁷ Federal (FECA) Procedure Manual, Part 3 -- Medical, *Schedule Awards*, Chapter 3.700.4b(2)(b) (September 1994).

⁸ *Id.*

The decision of the Office of Workers' Compensation Programs dated December 7, 1998 is hereby affirmed.

Dated, Washington, D.C.
June 15, 2000

Michael J. Walsh
Chairman

David S. Gerson
Member

Willie T.C. Thomas
Alternate Member