

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JOHN T. MANOGIAN and DEPARTMENT OF JUSTICE,
U.S. MARSHAL SERVICE, Arlington, VA

*Docket No. 98-1808; Submitted on the Record;
Issued March 16, 2000*

DECISION and ORDER

Before GEORGE E. RIVERS, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant has a ratable loss of hearing entitling him to a schedule award.

The Board has duly reviewed the case on appeal and finds that appellant's employment-related loss of hearing does not entitle him to a schedule award.

Appellant, a criminal investigator, filed a claim on October 29, 1997 alleging that he had developed a loss of hearing due to noise exposure during the course of his federal employment. The Office of Workers' Compensation Programs accepted appellant's claim for noise-induced bilateral sensorineural loss of hearing on March 19, 1998. Appellant requested a schedule award on March 26, 1998. By decision dated April 15, 1998, the Office denied appellant's request for a schedule award finding that his hearing loss was not severe enough to be ratable under the applicable standards.

The Office properly considered the medical evidence submitted in support of appellant's claim and applied the American Medical Association, *Guides to the Evaluation of Permanent Impairment*. A medical report was submitted from Dr. C. Philip Daspit, a Board-certified otolaryngologist, which conforms to applicable criteria. The losses at the frequencies of 500, 1,000, 2,000 and 3,000 cycles per second were added and averaged and the "fence of 25 decibels was deducted."¹ The remaining amount was multiplied by 1.5 to arrive at the percentage of monaural hearing loss. For a binaural hearing loss, the loss in each ear is calculated using the above formula. The lesser loss is then multiplied by five and added to the greater loss. This amount is then divided by six to arrive at the total binaural hearing loss. For levels recorded in the left ear of 10, 15, 20 and 15, the above formula derives 0 percent monaural loss and for levels recorded in the right ear of 10, 5, 15 and 15, the above formula derives 0 percent monaural loss.

¹ The A.M.A., *Guides* points out that the loss below an average of 25 decibels is deducted as it does not result in impairment in the ability to hear everyday sounds under everyday listening conditions.

According to the accepted formula these combine to reach a zero percent binaural loss of hearing.

As appellant does not have a ratable loss of hearing in accordance with the A.M.A., *Guides*, the Office properly denied his request for a schedule award.

The April 15, 1998 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, D.C.
March 16, 2000

George E. Rivers
Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member