

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JOSE F. ROCHA and DEPARTMENT OF THE AIR FORCE,
SAN ANTONIO AIR LOGISTICS CENTER, KELLY AIR FORCE BASE, TX

*Docket No. 99-1147; Submitted on the Record;
Issued November 27, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
VALERIE D. EVANS-HARRELL

The issue is whether appellant has more than an 11 percent binaural hearing loss for which he received a schedule award.

In a decision dated January 12, 1999, the Office of Workers' Compensation Programs granted appellant a schedule award for an 11 percent binaural hearing loss.

The Board has reviewed the case record and finds that appellant has not established more than an 11 percent binaural hearing loss.

The Office evaluates industrial hearing loss in accordance with the standards contained in the American Medical Association, *Guides to the Evaluation of Permanent Impairment* using the frequencies of 500, 1,000, 2,000 and 3,000 Hertz (Hz). The threshold levels at each frequency are added up and averaged to determine the estimated hearing level for speech. A "fence" of 25 decibels (dBs) is deducted since, as the A.M.A., *Guides* points out, losses below 25 dBs result in no impairment in the ability to hear everyday sounds in everyday conditions. The remaining amount is multiplied by 1.5 to arrive at the percentage of monaural hearing loss. To determine the loss for both ears (binaural), the lesser monaural loss is multiplied by 5, then added to the greater loss, with the total divided by 6. The Board has concurred in the Office's use of this standard for evaluating hearing losses for schedule award purposes.¹

In the present case, appellant was referred by the Office to Dr. Gerald Laursen, a Board-certified otolaryngologist, who provided a September 11, 1998 report and accompanying audiogram from a certified audiologist. Dr. Laursen provided results on examination and opined that the hearing loss was consistent with a noise-induced sensorineural hearing loss left ear and presbycusis right ear. The September 11, 1998 audiogram revealed the following: for the right ear, decibel levels of 25, 30, 30 and 30 at the frequencies of 500, 1,000, 2,000 and 3,000 Hz; for

¹ See *Daniel C. Goings*, 37 ECAB 781 (1986).

the left ear at these same frequencies the decibel levels were 25, 40, 70 and 60. Although Dr. Laursen opined that the sensorineural hearing loss was not due to his federal employment, in an October 26, 1998 medical report, an Office medical adviser opined that appellant was exposed to potentially hazardous noise during his federal job, which could contribute to the present hearing loss, even though it may not be the main cause for the left ear loss. On November 5, 1998 the Office accepted the condition of left ear hearing loss as being causally related to appellant's federal employment.

An Office medical adviser reviewed the evidence and calculated the percentage of hearing loss in accordance with the A.M.A., *Guides*. Applying the standard noted above, the decibel levels at the relevant frequencies are averaged, the fence of 25 dBs deducted, and the balance multiplied by 1.5. In this case, the monaural loss for the right ear is 5.6 percent, and 35.6 percent for the left ear. The binaural loss is determined by multiplying 5.6 by 5, adding 35.6, and dividing by 6, for an 11 percent binaural hearing loss. The record thus indicates that, based on the probative medical evidence of record, the Office properly calculated the percentage of appellant's hearing loss in this case. Accordingly, the Board finds that appellant has not demonstrated entitlement to more than an 11 percent binaural hearing loss.

The decision of the Office of Workers' Compensation Programs dated January 12, 1999 is affirmed.

Dated, Washington, DC
November 27, 2000

Michael J. Walsh
Chairman

David S. Gerson
Member

Valerie D. Evans-Harrell
Alternate Member