

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JAMES SMITH and TENNESSEE VALLEY AUTHORITY,
JOHN SEVIER FOSSIL PLANT, Rogersville, TN

*Docket No. 00-1870; Submitted on the Record;
Issued April 18, 2001*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

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

On December 9, 1998 appellant, then a 57-year-old heavy equipment operator, filed a notice of occupational disease claiming hearing loss caused by noise exposure in the course of his federal employment. He had worked in high noise areas approximately four to six hours per day since 1975. Hearing protection had been provided since July 1, 1973. Appellant submitted copies of employee audiograms dated from August 1975 to October 1996.

The Office of Workers' Compensation Programs referred appellant to Dr. Jeffrey P. Robbins, a Board certified otolaryngologist, for otologic evaluation and audiometric testing. Audiometric testing was performed by John C. Snyder, an audiologist. The Office provided Dr. Robbins with a statement of accepted facts and copies of all medical reports and audiograms. In a report dated July 16, 1999, he diagnosed appellant with "a relatively mild high frequency sensorineural hearing loss slightly greater in the left than the right ear" and also stated:

"Given the above historical and audiologic evaluations, as well as physical examination, it is my best judgment and considered otologic opinion that [appellant's] mild high frequency sensorineural loss has resulted as a direct consequence of over 24 years of industrial noise exposure with a very minor superimposition of an age-related hearing loss."

Dr. Robbins also recommended "hearing aids for social, recreational and nonwork use if desired."

By decision dated October 6, 1999, the Office accepted appellant's claim for "bilateral noise induced hearing loss" and "bilateral hearing aids, supplies and fittings."

By memorandum dated October 6, 1999, the Office furnished the statement of accepted facts and evidence of record to its medical adviser for review. On October 12, 1999 the medical adviser diagnosed appellant with “bilateral sensorineural hearing loss with schedule award of zero percent.”

By decision dated October 20, 1999, the Office denied appellant compensation for his hearing loss since it was nonratable.¹

The Board finds that appellant does not have a ratable hearing loss causally related to noise exposure in his federal employment.

The Office evaluates industrial hearing loss in accordance with the standards contained in the American Medical Association, *Guides to the Evaluation of Permanent Impairment*.² Using the frequencies of 500, 1,000, 2,000 and 3,000 cycles per second (cps), the losses at each frequency are added up and averaged.³ Thus, the “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 speech under everyday conditions.⁴ The remaining amount is multiplied by a factor of 1.5 to arrive at the percentage of monaural hearing loss.⁵ 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.⁶ The Board has concurred in the Office’s adoption of this standard for evaluating hearing loss.⁷

The Office medical adviser applied the Office’s standardized procedures to the July 16, 1999 audiogram performed by audiologist John Snyder. Testing for the right ear revealed decibel losses of 10, 15, 15 and 15 respectively. These decibel losses were totaled at 55 and divided by 4 to obtain the average hearing loss at those cycles of 13.75. The average of 13.75 was then reduced by 25 decibels (the first 25 decibels were discounted as discussed above) to equal 0 decibels for the right ear. Testing for the left ear at frequency levels of 500, 1,000, 2,000 and 3,000 cps revealed decibel losses of 10, 15, 15 and 30 respectively. These decibel losses were totaled at 70 and divided by 4 to obtain the average hearing loss at those cycles of 17.5 decibels. The average of 17.5 decibels was then reduced by 25 decibels (the first 25 decibels were discounted as discussed above) to equal 0 decibels in the left ear. Accordingly, pursuant to

¹ By letter dated October 26, 1999, appellant requested an oral hearing but later withdrew his request; the hearing was cancelled on March 20, 2000.

² *Id.*

³ A.M.A., *Guides* at 224 (4th ed. 1993).

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Donald A. Larson*, 41 ECAB 947, 951 (1990).

the Office's standardized procedures, the Office medical adviser determined that appellant had a nonratable loss of hearing in both ears.

The Board finds that the Office medical adviser applied the proper standards to the findings stated in Dr. Robbins' July 16, 1999 report and the July 16, 1999 audiogram. Both ears were nonratable under these standards and, therefore, not compensable. None of the medical evidence of record documents a greater hearing loss.

The Board notes, however, that following medical evaluation of a claim, if the hearing loss is determined to be nonratable for schedule award purposes, "other benefits will still be payable if any causally related hearing loss exists" such as a hearing aid.⁸ As recommended by Dr. Robbins in his July 16, 1999 report, appellant should obtain hearing aids for social and recreational use if desired. The Board also notes that the Office, in its October 6, 1999 decision, accepted appellant's claim for "bilateral hearing aids, supplies and fittings."

The October 20, 1999 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
April 18, 2001

David S. Gerson
Member

Willie T.C. Thomas
Member

Bradley T. Knott
Alternate Member

⁸ *Raymond H. Vanttett*, 44 ECAB 480 (1993).