

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MICHAEL C. BOHN and DEPARTMENT OF DEFENSE,
DEFENSE DISTRIBUTION EAST, Mechanicsburg, PA

*Docket No. 00-1025; Submitted on the Record;
Issued January 12, 2001*

DECISION and ORDER

Before DAVID S. GERSON, PRISCILLA ANNE SCHWAB,
VALERIE D. EVANS-HARRELL

The issue is whether appellant has more than a six percent monaural hearing loss of his left ear for which he has received a schedule award.

On April 23, 1999 appellant, then a 48-year-old forklift operator, filed a notice of occupational disease (Form CA-2), claiming hearing loss and tinnitus caused by noise exposure in the course of his federal employment. He stated that his hearing loss and tinnitus gradually occurred over his last 22 years of employment. The record indicates that in the course of his various positions with the federal government, appellant was exposed to high noise levels for periods of up to eight hours per day, five days per week. Hearing protection was not furnished until approximately 1987. Appellant filed a claim for a schedule award (Form CA-7), on September 15, 1999.

The employing establishment furnished the Office of Workers' Compensation Programs with copies of employee audiograms dated from February 19, 1988 to December 17, 1998. Appellant also submitted an audiogram dated April 14, 1999 from Dr. Russell A. Macaluso, a Board-certified otolaryngologist, which stated that there was no specific hearing loss.

The Office referred appellant to Clifford N. Steinig, D.O., for otologic evaluation and audiometric testing. The Office provided Dr. Steinig with a statement of accepted facts, available exposure information and copies of all medical reports and audiograms. On July 12, 1999 Dr. Steinig opined that appellant's "hearing loss is attributable to the loud noise on the job and not to any preexisting or superimposed pathology."

By memorandum dated July 22, 1999, the Office furnished the statement of accepted facts and evidence of record to its medical adviser for review. On September 9, 1999 the medical adviser certified a six percent monaural hearing loss in appellant's left ear.

On November 2, 1999 the Office granted appellant a schedule award for a six percent loss of hearing in the left ear. The period of the award ran for 3.12 weeks from July 8, 1999, the date of the audiogram performed by Dr. Steinig, to July 29, 1999.

The Board finds that appellant has no more than a six percent monaural hearing loss in his left ear for which he received a schedule award.

The Office evaluates industrial hearing loss in accordance with the standards contained in the American Medical Association (A.M.A.), *Guides to the Evaluation of Permanent Impairment*.¹ Using the frequencies of 500, 1,000, 2,000 and 3,000 cycles per second, the losses at each frequency are added up and averaged.² Then, 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.³ The remaining amount is multiplied by a factor of 1.5 to arrive at the percentage of monaural hearing loss.⁴ The binaural loss is determined by calculating the loss in each ear using the formula for monaural loss; the lesser loss is multiplied by 5, then added to the greater loss and the total is divided by 6 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

The Office medical adviser applied the Office’s standardized procedures to the July 8, 1999 audiogram performed by Dr. Steinig. Testing for the right ear revealed decibel losses of 10, 10, 15 and 60 respectively. These decibel losses were totalled at 95 and divided by 4 to obtain the average hearing loss at those cycles of 23.75. The average of 23.75 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 revealed decibel losses of 15, 15, 10 and 75 respectively. These decibel losses were totalled at 115 decibels and divided by 4 to obtain the average hearing loss at those cycles of 28.75 decibels. The average of 28.75 was then reduced by 25 decibels (the first 25 decibels were discounted as discussed above) to equal 3.75 decibels which was multiplied by the established factor 1.5 to compute a six percent loss of hearing for the left ear. Accordingly, pursuant to the Office’s standardized procedures, the Office medical adviser determined that appellant had a nonratable loss of hearing in his right ear and a six percent monaural loss of hearing in his left ear.

The Board finds that the Office medical adviser applied the proper standards to the findings stated in Dr. Steinig’s July 12, 1999 report and his July 8, 1999 audiometric evaluation. This resulted in a six percent monaural hearing loss in the left ear. The right ear was not ratable

¹ *Richard Larry Enders*, 48 ECAB 184 (1996).

² A.M.A., *Guides* at 224 (4th ed. 1993).

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Donald A. Larson*, 41 ECAB 947, 951 (1990).

under these standards and, therefore, not compensable. None of the medical evidence of record documents a greater hearing loss.

On appeal appellant contends that he is entitled to compensation for tinnitus, which he sustained as a result of exposure to hazardous noise during the course of his federal employment. However, the Board has repeatedly held that there is no basis for paying a schedule award for a condition such as tinnitus unless the evidence establishes that the condition caused or contributed to a ratable permanent loss of hearing.⁷

Appellant would be entitled to compensation if it were established that his tinnitus resulted in a loss of wage-earning capacity.⁸ However, there is no indication in the record that appellant sustained a loss of wage-earning capacity as a result of his tinnitus.

Because appellant has not demonstrated that his tinnitus caused or contributed to a ratable hearing loss other than that for which he has already been compensated, there is no basis for paying appellant a schedule award for tinnitus.

Appellant further contends that he is entitled to more compensation for his employment-related loss of hearing. The Federal Employees' Compensation Act⁹ provides that for a total on 100 percent loss of hearing in one ear, an employee shall receive 52 weeks compensation.¹⁰ Accordingly, the amount payable for a 6 percent monaural hearing loss would be 6 percent of 52 weeks or 3.12 weeks of compensation, which is what appellant was awarded. He is entitled to no more under the Act.

⁷ *Richard Larry Enders*, 48 ECAB 186 (1996).

⁸ *Id.*

⁹ 5 U.S.C. §§ 8101-8193.

¹⁰ 5 U.S.C. § 8107 (c)(13)(A).

The decision of the Office of Workers' Compensation Programs dated November 2, 1999 is hereby affirmed.

Dated, Washington, DC
January 12, 2001

David S. Gerson
Member

Priscilla Anne Schwab
Alternate Member

Valerie D. Evans-Harrell
Alternate Member