

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ERNEST MOLSBEE and DEPARTMENT OF THE AIR FORCE,
TINKER AIR FORCE BASE, OK

*Docket No. 01-802; Submitted on the Record;
Issued October 4, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
PRISCILLA ANNE SCHWAB

The issue is whether appellant has a ratable bilateral hearing loss.

On May 26, 2000 appellant, then a 55-year-old door systems mechanic, filed a notice of occupational disease claiming that his hearing loss was caused by noise exposure in the course of his federal employment. Appellant had been employed as a sandblaster, an aircraft welder, a welder in the metal shop, and from June 1979 to the present, as a door systems mechanic.

By letter dated July 28, 2000, the Office of Workers' Compensation Programs requested that appellant submit medical evidence and audiogram test results to support his claim.

Appellant submitted copies of audiograms dated January 1969 to July 1998 and a fitness evaluation from his employing establishment stating that his current hearing test revealed a mild to moderate high frequency loss. The evaluation indicated that appellant is exposed to intermittent hazardous noise in his daily duties but that he wears hearing protection which has been checked and refitted. Appellant's tests indicated a decrease of his hearing in 1987 and 1992.

On November 7, 2000 an otologic evaluation was performed by audiologist Luceen J. Dunn and signed by Dr. Shrikant Rishi, a Board-certified otolaryngologist, finding: "Normal hearing sensitivity 250-2000 Hz [Hertz]" and "sensorial neural hearing loss 3-8000 Hz-all." In a letter dated November 13, 2000, Dr. Rishi restated the findings and indicated: "I don't recommend any amplification at this point. He [appellant] can function fairly satisfactorily. I also recommend evaluation of his hearing on a yearly basis."

In response to Dr. Rishi's evaluation on November 7, 2000, the Office medical adviser reviewed the November 7, 2000 audiogram and provided a medical opinion finding a zero percent binaural hearing loss. The Office medical adviser added: "Noise exposure on the job is deemed sufficient to implicate it as a contributing factor to the claimant's hearing loss."

By decision dated January 4, 2001, the Office accepted appellant's claim, but found that his hearing loss was not severe enough to be considered ratable. The Office also found that the medical evidence established that appellant would not benefit from hearing aids.

The Board finds that appellant has no ratable binaural hearing loss.

The Federal Employees' Compensation Act schedule award provisions set forth the number of weeks of compensation to be paid for the permanent loss of use of the members of the body that are listed in the schedule.¹ The Act, however, does not specify the manner in which the percentage loss of a member shall be determined. The method used in making such a determination is a matter which rests in the sound discretion of the Office.² However, as a matter of administrative practice, the Board stated: "For consistent results and to ensure equal justice under the law to all claimants, good administrative practice necessitates the use of a single set of tables so that there may be uniform standards applicable to all claimants."³

The Office evaluates industrial hearing loss in accordance with the standards contained in the American Medical Association, *Guides to the Evaluation of Permanent Impairment*.⁴ 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.⁵ 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.⁶ The remaining amount is multiplied by a factor of 1.5 to arrive at the percentage of monaural hearing loss.⁷ 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.⁸ The Board has concurred in the Office's adoption of this standard for evaluating hearing loss.⁹

The Office medical adviser applied the Office's standard procedures to the November 7, 2000 audiogram performed by Dr. Rishi. Testing for the left ear revealed decibel losses of 10, 10, 25 and 55 respectively. These decibel losses were totaled at 100 and divided by 4 to obtain the average hearing loss to those cycles of 25. The average of 25 decibels was then reduced by

¹ 5 U.S.C. § 8107.

² *Richard Larry Enders*, 48 ECAB 184 (1996).

³ *Id.*

⁴ *Id.*

⁵ A.M.A., *Guides* 174-75 (3^d ed. rev., 1990).

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Donald A. Larson*, 41 ECAB 947, 951 (1990).

25 decibels (the first 25 decibels were discounted as discussed above) to equal 0 decibels for the left ear.

Testing for the right ear revealed decibel losses of 5, 0, 10 and 45 respectively. These decibel losses were totaled at 60 and divided by 4 to obtain the average hearing loss to those cycles of 15. The average of 15 decibels was then reduced by 25 decibels to equal 0 decibels for the right ear. Accordingly, pursuant to the Office's standardized procedures, the district 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 the November 7, 2000 audiogram. Since both ears were not ratable under these standards, the extent of hearing loss is not compensable.

The Board notes that, 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 aid¹⁰ and that appellant is entitled to medical benefits. In this case, Dr. Rishi recommended yearly testing. There is no medical evidence of record that appellant requires a hearing aid.

The January 4, 2001 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
October 4, 2001

Michael J. Walsh
Chairman

Willie T.C. Thomas
Member

Priscilla Anne Schwab
Alternate Member

¹⁰ *Raymond H. VanNett*, 44 ECAB 480 (1993).