

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of RICHARD J. STUBBLEFIELD and TENNESSEE VALLEY AUTHORITY,  
JOHN SEVIER FOSSIL PLANT, Rogersville, TN

*Docket No. 01-1125; Submitted on the Record;  
Issued January 9, 2002*

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DECISION and ORDER

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

The issue is whether appellant has more than a two percent monaural hearing loss of his right ear for which he was granted a schedule award.

On May 25, 1999 appellant, then a 53 year-old machinist, filed a claim for hearing loss, alleging that he was exposed constantly to loud noises at work and that "hearing tests have shown that I have hearing loss."

In a report dated May 25, 1999, the employing establishment stated that a mandatory Hearing Loss Prevention Program had begun at the John Sevier Fossil Plant in July 1973 and that appellant began employment in 1975. Hearing protection was provided and its use was required for all employees in all noise areas.

By letter dated February 29, 2000, the Office of Workers' Compensation Programs advised appellant that it needed additional information from him including the kinds of hazardous noises to which he was exposed and a chronological listing of his employment history.

By letter the same day, the Office notified the employing establishment to address the issues raised by appellant including their concurrence or disagreement with appellant's claim.

By letter dated March 13, 2000, appellant stated that from 1975 to 1977 he was not required to wear ear plugs in the shop area or first to fifth floors of the plant, but that in 1977 ear plugs were required for the first to the fifth floor and that around 1983 "it was mandatory to wear ear plugs." Appellant stated that he worked inside and outside the plant, where there was much constant noise, that he had to operate various air tools and was around very loud noisy equipment including a pulverizer coal mill, vacuum pumps, vacuum breakers, forced and induced fans, steam turbines and generators. Appellant stated that he worked most of the day outside the plant working on machinery. He noted that the plant nurse advised him in 1980 that his high frequency hearing was not good, but that he had not been treated by a doctor for a hearing loss.

On June 14, 2000 the Office referred appellant, a copy of his medical records and a statement of accepted facts to Dr. Frank Little, Jr., Board-certified in otolaryngology, for an evaluation to determine whether appellant had a noise-induced hearing loss.

Dr. Little performed an otologic evaluation of appellant on June 23, 2000 and audiometric testing was conducted on this behalf on the same date. Testing at the frequency levels of 500, 1,000, 2,000 and 3,000 revealed the following: Right ear 15, 20, 25 and 45 decibels; left ear 15, 20, 15 and 35 decibels. In his June 23, 2000 report, Dr. Little stated that the auditory assessment revealed a “sensorineural hearing loss” and that appellant’s “hearing declined progressively during employment. No other risk factors.”

An Office medical adviser reviewed Dr. Little’s report and audiometric test results and concluded that appellant had an employment-related sensorineural monaural hearing loss in the right ear. After applying the Office’s current standards for evaluating hearing loss to the results of the June 23, 2000 audiologic tests, the Office medical adviser determined that appellant had a bilateral sensorineural hearing loss with a monaural schedule award of two percent.

On December 22, 2000 the Office granted appellant a schedule award for a two percent loss of hearing in the right ear. The period of the award ran for 1.04 weeks from June 23 to June 30, 2000.

The Board finds that appellant has no more than a two percent monaural (right ear) hearing loss for which he received a schedule award.

The Federal Employees’ Compensation Act schedule award provisions set forth the number of weeks of compensation to be paid for permanent loss of use of the members of the body that are listed in the schedule.<sup>1</sup>

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*.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup> The remaining amount is multiplied by a factor of 1.5 to arrive at the percentage of monaural hearing loss.<sup>5</sup> 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

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<sup>1</sup> 5 U.S.C. § 8107.

<sup>2</sup> 20 C.F.R. § 10.404 (1999).

<sup>3</sup> A.M.A., *Guides* 224 (4<sup>th</sup> ed. 1993).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

at the amount of the binaural hearing loss.<sup>6</sup> The Board has concurred in the Office's adoption of this standard for evaluating hearing loss.<sup>7</sup>

The Office medical adviser applied the Office's standardized procedures to the June 23, 2000 audiogram performed for Dr. Little. Testing for the right ear revealed decibel losses of 15, 20, 25 and 45 respectively. These decibel losses were totaled at 105 and divided by 4 to obtain the average hearing loss at those cycles of 26.25. The average of 25 decibels was then reduced by 25 decibels (the first 25 decibels were discounted as discussed above) to equal 1.25 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, 20, 15 and 35 decibels respectively. These decibel losses were totaled at 85 decibels and divided by 4 to obtain the average hearing loss at those cycles of 21.25 decibels. The average of 21.25 decibels was then reduced by 25 decibels (the first 25 decibels were discounted as discussed above) to equal 0 decibels 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 left ear and a two percent monaural loss of hearing in his right ear.

The Board finds that the Office medical adviser applied the proper standards to the findings stated in Dr. Little's June 23, 2000 report and the accompanying June 23, 2000 audiometric evaluation that Dr. Little reviewed. This resulted in a calculation of a two percent monaural hearing loss in the right ear. The left ear was not ratable under these standards and, therefore, not compensable.

The decision of the Office of Workers' Compensation Programs dated December 22, 2000 is affirmed.

Dated, Washington, DC  
January 9, 2002

David S. Gerson  
Member

Willie T.C. Thomas  
Member

Bradley T. Knott  
Alternate Member

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<sup>6</sup> *Id.*

<sup>7</sup> *Supra* note 4.