

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

---

In the Matter of BRUCE S. PEDROTTI and DEPARTMENT OF THE NAVY,  
PUGET SOUND NAVAL SHIPYARD, Bremerton, WA

*Docket No. 02-692; Submitted on the Record;  
Issued July 17, 2002*

---

DECISION and ORDER

Before ALEC J. KOROMILAS, MICHAEL E. GROOM,  
A. PETER KANJORSKI

The issue is whether appellant has greater than a 41 percent monaural loss of hearing to his left ear.

The Office of Workers' Compensation Programs accepted that on August 1, 1973 appellant, a planner and estimator born October 30, 1948 fell from a ladder onto a concrete floor at work, resulting in a fractured skull and neck. On May 31, 1974 the Office issued appellant a schedule award for a 13 percent permanent hearing loss in his left ear due to the August 1, 1973 employment injury. On April 21, 2000 appellant filed an occupational disease claim alleging that due to the August 1, 1973 fall, he sustained immediate hearing loss in the left ear. In an attached statement, he further alleged that he suffered hearing loss during the course of his employment due to exposure to noise from presses, band and table saws, riveters, planners, jackhammers, drills and chippers. Appellant submitted his audiometric and medical records from 1969 through 1984, which indicated a hearing loss.

To determine the extent of appellant's current hearing loss, the Office referred appellant, together with a statement of accepted facts, for a second opinion evaluation by Dr. Stephen Habener, a Board-certified otolaryngologist. In a report dated August 15, 2000, he reported audiometric test results, also performed on August 15, 2000 and opined that appellant suffered from a stabled mixed hearing loss with a conductive component in his left ear, compatible with the employment-related head trauma in 1973.

On November 1, 2000 Dr. Habener received a corrected statement of accepted facts from the Office along with other documentation. He thereafter submitted an addendum report dated November 16, 2000 in which he reviewed the corrected statement and discussed appellant's hearing loss. Dr. Habener stated that since appellant's skull fracture injury on August 1, 1973, which resulted in a mixed hearing loss in his left ear, he had progressive hearing loss in both the left and the right ears over the past 27 years. He indicated that there was considerable high intensity noise exposure over 100 decibels during his employment, based on his review of a noise assessment survey taken beginning November 24, 1991. Dr. Habener reported that

appellant currently had an increase of hearing loss as a result of occupational noise exposure over the past 27 years but that there was no increased hearing loss due to the traumatic injury of August 1, 1973.

In a letter dated January 18, 2001, the Office accepted that exposure to work-related noise caused additional hearing loss in the left ear over and above the 13 percent loss that was previously awarded. On October 24, 2001 the Office issued a schedule award for 41.25 percent permanent loss of hearing in his left ear. The Office indicated that since he was previously paid a schedule award based on a 13 percent impairment, the current award was reduced by that amount.

The record notes that appellant inquired by telephone about how his schedule award was calculated. In a letter dated November 5, 2001, the Office advised that the current rating for hearing loss in the left ear of 41.25 percent was calculated by adding frequencies of 500, 1,000, 2,000 and 3,000 cycles per second following a prescribed mathematical formula. The Office indicated that since it had already paid 13 percent for the same ear, it reduced the current award to 28.25 percent. The Office further advised that the award was rounded down to 28 percent as it did not pay fractions and that 28 percent of loss of hearing in one ear amounted to 14.56 weeks of compensation. The Office further advised that as appellant had no dependents the compensation rate was paid at the rate of two-thirds his salary effective August 15, 2000, the date of the examination on which his rating was based.

The Board finds that appellant has no greater than a 41 percent monaural loss of hearing of 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, *Guides to the Evaluation of Permanent Impairment*<sup>1</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>2</sup> Then, the “fence” of 25 decibels result in no impairment in the ability to hear everyday speech under everyday conditions.<sup>3</sup> The remaining amount is multiplied by a factor of 1.5 to arrive at the percentage of monaural hearing loss.<sup>4</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 five, then added to the greater loss and the total is divided by six to arrive at the amount of the binaural hearing loss.<sup>5</sup> The Board has concurred in the Office’s adoption of this standard for evaluating hearing loss.<sup>6</sup>

---

<sup>1</sup> A.M.A., *Guides* at 250 (5<sup>th</sup> ed. 2001).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

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

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

<sup>6</sup> *Donald Stockstad*, 53 ECAB \_\_ (Docket No. 01-1570, issued January 23, 2002).

The Office medical adviser reviewed appellant's August 15, 2000 audiogram, as well as Dr. Habener's complete report and addendum. The audiogram indicated testing at 500, 1,000, 2,000 and 3,000 hertz and revealed in the left ear, losses of 65, 50, 50 and 45 decibels; and in the right ear losses of 30, 20, 20 and 20 decibels respectively. Decibel losses for the left ear were totaled at 210 and divided by 4 to obtain the average hearing loss at those cycles of 52.50. The average of 52.50 decibels was then reduced by 25 decibels to equal 27.5 decibels for the left ear. The 27.5 has multiplied 1.5 resulting in a 41.25 loss. Decibel losses for the right ear were totaled at 90 decibels and divided by 4 to obtain the average hearing loss at those cycles of 22.5 decibels. The average of 22.5 decibels was then reduced by 25 decibels to equal 0 decibels for the right ear. Accordingly, pursuant to the Office's standardized procedures, the Office medical adviser determined that appellant had a 41.25 percent monaural loss of hearing in his left ear and a nonratable loss of hearing in his right ear.<sup>7</sup>

The Board finds that the Office medical adviser applied the proper standards to the findings stated in the August 15, 2000 audiogram. Appellant has a ratable hearing loss of 41.25 percent in the left ear and the right ear was not ratable. Since appellant had previously been issued a schedule award for 13 percent impairment, he properly received a schedule award for a 28 percent additional loss of hearing for his left ear.

The Board notes that Dr. Habener recommended a hearing aid in this case. Because he has hearing loss causally related to his federal employment, he is entitled to medical benefits.<sup>8</sup>

The October 24, 2001 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC  
July 17, 2002

Alec J. Koromilas  
Member

Michael E. Groom  
Alternate Member

A. Peter Kanjorski  
Alternate Member

---

<sup>7</sup> Federal (FECA) Procedure Manual, Part 3 -- Medical, *Schedule Awards*, Chapter 3.700.4b(2)(b) (September 1994).

<sup>8</sup> See *Raymond H. VanNett*, 44 ECAB 480 (1993).