

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of WILLIAM H. COATS and DEPARTMENT OF THE ARMY,  
FORT SAM HOUSTON, San Antonio, TX

*Docket No. 01-2194; Submitted on the Record;  
Issued June 17, 2002*

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DECISION and ORDER

Before ALEC J. KOROMILAS, WILLIE T.C. THOMAS,  
A. PETER KANJORSKI

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

The Board finds that appellant has not established that he sustained a ratable hearing loss.

On August 8, 2000 appellant, then a 56-year-old plumber, filed a notice of occupational disease and claim for compensation (CA-2 form), alleging that he sustained a hearing loss due to his federal employment. He indicated that he was required to work in noise hazard areas: chiller plants, boiler room, vacuum pumps, air compressors and other mechanical equipment. Appellant indicated that he first became aware that his hearing loss was work related in October 1985. He did not cease working.

Both appellant and the employing establishment submitted evidence documenting his exposure to hazardous work-related noises throughout his 33-year tenure with the employing establishment. The parties also submitted various medical records and numerous employment screening audiograms.

After reviewing the medical evidence of record the Office of Workers' Compensation Programs, in a September 13, 2000 letter, referred appellant to Dr. Alan Dinesman, Board-certified in otolaryngology, for a second opinion.

In an October 7, 2000 report, Dr. Dinesman diagnosed sensorineural hearing loss, bilateral. He stated that "appellant denies any tinnitus or dizziness. Dr. Dinesman denied any family history of hearing loss and that appellant stated that he has "noticed a mild change in his hearing but nothing to get excited about." He concluded:

"Appellant ... has been exposed to significant noise dating back to the start of his plumbing career.... In 1967 [his] "reference audiogram" that is included in his medical records at the time of this examination date back only to 1983. At that

time there was already a severe sensorineural hearing loss, limited to the high-frequencies, which over the last decade and a half, worsened by approximately 10 [to] 15 decibels. [Appellant] does not seem to be significantly affected by his hearing loss. He states that he is able to function normally on a day[-]to[-]day basis. Given the fact [that] he has had no subjective problems with his hearing I believe amplification is not necessary.”

Based on the American Medical Association, *Guides to the Evaluation of Permanent Impairment*, the decibel sum of hearing loss in the right ear is 65 and 95 in the left ear. This translates to zero percent hearing loss and impairment, both monaural in both ears as well as binaural.

Dr. Dinesman indicated that based on his examination and the statement of accepted facts that he considered the hearing loss to be work related; adding:

“[T]he sharp drop off that is seen in the high frequencies is a pattern commonly seen with noise[-]induced hearing loss. The fact that it has worsened over the last 15 years to a level that is greater than normally would be seen with presbycusis, seems to correlate well with [appellant’s] history of being around significant noise.”

In a memorandum dated December 15, 2000, the Office referred appellant’s records to the district medical adviser for a review along with a statement of accepted facts. In a December 20, 2000 report, the district medical adviser responded that he had “reviewed the report of Dr. Dinesman. The date of maximum medical improvement was October 2, 2000. Based upon the fourth edition of the A.M.A., *Guides* and the reports from Dr. Dinesman, there is no significant hearing loss in the functional spectrum and the calculated binaural hearing loss is zero percent. Noise exposure on the job is deemed sufficient to implicate it as a contributing factor to the claimant’s hearing loss.

In a January 5, 2001 decision, the Office accepted appellant’s claim for a hearing loss. No hearing aids were authorized. Appellant appealed that decision to the Board.

The Board finds that appellant has not established that he sustained a ratable hearing loss causally related to his federal employment.

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 members of the body that are listed in the schedule.<sup>1</sup> 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.<sup>2</sup> However, as a matter of administrative practice the Board has stated, “[f]or consistent results and to ensure

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<sup>1</sup> 5 U.S.C. § 8107.

<sup>2</sup> *Danniel C. Goings*, 37 ECAB 781, 783 (1986); *Richard Beggs*, 28 ECAB 387, 390-91 (1977).

equal justice under 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.”<sup>3</sup>

The Office evaluates industrial hearing loss in accordance with the standards contained in the A.M.A., *Guides* (4<sup>th</sup> ed. 1993).<sup>4</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>5</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>6</sup> The remaining amount is multiplied by a factor of 1.5 to arrive at the percentage of monaural hearing loss.<sup>7</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>8</sup> The Board has concurred in the Office’s adoption of this standard for evaluating hearing loss.<sup>9</sup>

On December 15, 2000 the Office medical adviser reviewed the otologic and audiologic testing performed on appellant by Dr. Dinesman a Board-certified otolaryngologist and on December 20, 2000 applied the Office’s standardized procedures to this evaluation. Testing for the left ear at the frequency levels of 500, 1,000, 2,000 and 3,000 cycles per second revealed decibel losses of 10, 10, 20 and 55 respectively. These decibel losses were totaled at 95 decibels and were divided by 4 to obtain the average hearing loss of 23.75 decibels. This average loss was then reduced by 25 decibels (25 decibels being discounted as discussed above) to equal 0 which was multiplied by the established factor of 1.5 to compute a zero percent hearing loss in the left ear. Testing for the right ear at the frequency levels of 500, 1,000, 2,000 and 3,000 cycles per second revealed decibel losses of 10, 10, 10 and 35 respectively. These decibel losses were totaled at 65 decibels and were divided by 4 to obtain the average hearing loss of 16.25 decibels. This average was then reduced by 25 decibels (25 decibels being discounted as discussed above) to equal 0 which was multiplied by the established factor of 1.5 to compute a 0 percent hearing loss in the right ear. To compute the binaural hearing loss, the lesser loss in the left ear, zero percent, was multiplied by the established factor of five, added to the zero percent loss in the right ear and this sum was divided by the established factor of six to calculate a zero percent binaural hearing loss.

Based on these calculations the Office found that a hearing aid was not warranted.

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<sup>3</sup> *Henry L. King*, 25 ECAB 39, 44 (1973); *August M. Buffa*, 12 ECAB 324, 325 (1961).

<sup>4</sup> *George L. Cooper*, 40 ECAB 296, 302 (1988).

<sup>5</sup> A.M.A., *Guides*, 224-25 (4<sup>th</sup> ed. 1993).

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

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Donald A. Larson*, 41 ECAB 947, 951 (1990).

The Board finds that the Office followed standardized procedures in evaluating appellant's loss of hearing and properly denied compensation for permanent impairment on the grounds that appellant's loss of hearing was not ratable. The Board has reviewed the numerous audiograms appearing in the case record and notes that they do not give rise enough to demonstrate a ratable hearing loss.

The decision of the Office of Workers' Compensation Programs dated January 5, 2001 is affirmed.

Dated, Washington, DC  
June 17, 2002

Alec J. Koromilas  
Member

Willie T.C. Thomas  
Alternate Member

A. Peter Kanjorski  
Alternate Member