

In a letter dated October 2, 2002, the Office requested additional factual and medical evidence. Appellant responded by submitting a series of audiograms and medical records. The Office referred appellant for a medical evaluation on February 19, 2003 to Dr. Ronald P. Peroff, a Board-certified otolaryngologist, who completed a report on April 26, 2003 and opined that appellant had experienced an employment-related high tone noise-induced sensorineural hearing loss. An Office medical adviser reviewed this report on June 18, 2003 and concluded that appellant had a six percent loss of hearing in his left ear due to noise exposure in his federal employment. Appellant requested a schedule award on August 25, 2003. By decision dated October 20, 2003, the Office granted appellant a schedule award for a six percent loss of hearing in his left ear.

LEGAL PRECEDENT

The schedule award provision of the Federal Employees' Compensation Act¹ and its implementing regulation² set forth the number of weeks of compensation payable to employees sustaining permanent impairment from loss, or loss of use, of scheduled members or functions of the body. However, the Act does not specify the manner in which the percentage of loss shall be determined. 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. The American Medical Association, *Guides to the Evaluation of Permanent Impairment* (A.M.A., *Guides*) has been adopted by the implementing regulation as the appropriate standard for evaluating schedule losses.³

The Office evaluates industrial hearing loss in accordance with the standards contained in the A.M.A., *Guides*.⁴ Using the frequencies of 500, 1,000, 2,000 and 3,000 cycles per second (cps), 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 five, then added to the greater loss and the total is divided by

¹ 5 U.S.C. § 8107.

² 20 C.F.R. § 10.404 (1999).

³ *Id.*

⁴ A.M.A., *Guides* at 226-51 (5th ed. 2001).

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

six 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

ANALYSIS

In support of his claim for an employment-related loss of hearing, appellant submitted audiograms and medical records from the employing establishment. This medical evidence did not meet the Office's criteria to establish an employment-related loss of hearing. The audiograms were not certified by a physician as being accurate. Moreover, the Office does not have to review every uncertified audiogram which has not been prepared in connection with an examination by a medical specialist.¹⁰ Due to the lack of appropriate evidence, the Office referred appellant for a second opinion examination by Dr. Peroff, a Board-certified otolaryngologist, whose April 26, 2003 report and accompanying audiogram complied with the Office's standard for medical evidence in determining a loss of hearing. The medical report included both an appropriate audiogram and a narrative from a Board-certified otolaryngologist confirming the findings on audiometric testing.¹¹ On June 18, 2003 the Office medical adviser reviewed the otologic and audiologic testing obtained by Dr. Peroff on April 23, 2003 and applied the Office's standardized procedures to this evaluation. The losses at the frequencies of 500, 1,000, 2,000 and 3,000 cps were added and averaged and the "fence of 25 decibels was deducted."¹² The remaining amount was multiplied by 1.5 to arrive at the percentage of monaural hearing loss. For levels recorded in the left ear of 5, 10, 30 and 70 decibels, the above formula derives 5.6 percent monaural loss and for levels recorded in the right ear of 10, 0, 5 and 55 decibels, the above formula derives 0 percent monaural loss.

The schedule award provision of the Act specifies the number of weeks of compensation to be paid for each permanent impairment listed in the schedule award.¹³ As appellant has a 6 percent monaural loss of use of his left ear, he is entitled to 6 percent of 52 weeks of compensation which is 3.12 weeks. The Office properly determined the number of weeks of compensation for which appellant is entitled under the schedule award.

CONCLUSION

The Board finds that the Office properly calculated appellant's loss of hearing under the appropriate standards and determined that he had a loss of hearing in the left ear of six percent.

⁸ *Id.*

⁹ *Donald Stockstad*, 53 ECAB___ (Docket No. 01-1570, issued January 23, 2002); *petition for recon. granted (modifying prior decision)*, Docket No. 01-1570 (issued August 13, 2002).

¹⁰ *Joshua A. Holmes*, 42 ECAB 231, 236 (1990).

¹¹ *George L. Cooper*, 40 ECAB 296, 303 (1988); Federal (FECA) Procedure Manual, Part 3 -- Medical, *Requirements for Medical Reports*, Chapter 3.600.8(a) (September 1994).

¹² The A.M.A., *Guides* points out that the loss below an average of 25 decibels is deducted as it does not result in impairment in the ability to hear everyday sounds under everyday listening conditions.

¹³ 5 U.S.C. § 8107; 20 C.F.R. § 10.304(b).

The Office then properly found that appellant was entitled to 3.12 weeks of compensation due to this impairment of a schedule member.

ORDER

IT IS HEREBY ORDERED THAT the October 20, 2003 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: May 4, 2004
Washington, DC

Colleen Duffy Kiko
Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member