



employment. The Office received his occupational noise exposure history and serial audiograms through 1995.<sup>1</sup>

The Office referred appellant, together with his case file and a statement of accepted facts, to Dr. Richard B. Dawson, a Board-certified otolaryngologist, for evaluation. An audiogram obtained for Dr. Dawson on April 7, 2005 showed hearing levels of 15, 10, 10 and 15 decibels on the right at frequencies of 500, 1,000, 2,000 and 3,000 cycles per second. Hearing levels on the left were 10, 5, 15 and 40 decibels respectively. Both the audiologist and Dr. Dawson certified that the audiometric test results were valid and representative of appellant's hearing sensitivity.

Dr. Dawson diagnosed a bilateral high-tone sensorineural hearing loss, which was due in part to appellant's noise exposure in federal employment.<sup>2</sup> He explained that the loss was in excess of what would normally be expected with old age. Further, the large number of audiograms submitted for his review showed a slowly progressive hearing loss in the face of a history of loud noise above the level that would reasonably be safe.

On April 21, 2005 the Office notified appellant that it was accepting his claim for binaural hearing loss and forwarding the case to its medical adviser for an assessment of the percentage of loss for schedule award purposes. On April 22, 2005 the Office medical adviser reported that the April 7, 2005 audiogram met Office standards but showed no ratable hearing loss in either ear.

In a decision dated July 28, 2005, the Office denied a schedule award on the grounds that appellant's hearing loss was not severe enough to be considered ratable.

### **LEGAL PRECEDENT**

Section 8107 of the Federal Employees' Compensation Act authorizes the payment of schedule awards for the loss of use of specified members, organs or functions of the body, including hearing.<sup>3</sup> Such loss of use is known as permanent impairment.

The Office evaluates hearing loss according to the standards set forth in the specified edition of the American Medical Association, *Guides to the Evaluation of Permanent Impairment*.<sup>4</sup> Hearing levels at frequencies of 500, 1,000, 2,000 and 3,000 cycles per second are added up and averaged. Then, a "fence" of 25 decibels is deducted because, according to the

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<sup>1</sup> The employing establishment reported 18 missing audiograms from 1967 through 2002, when appellant retired. He failed his exit audiogram, but there is no record of it.

<sup>2</sup> Dr. Dawson reported some ringing in appellant's ears after being exposed to loud noises, but he did not diagnose tinnitus.

<sup>3</sup> 5 U.S.C. § 8107(c)(13) (which provides 52 weeks' compensation for complete loss of hearing in one ear and 200 weeks' compensation for complete loss of hearing in both ears); *see id.* § 8107(c)(19) (compensation for partial loss is proportionate).

<sup>4</sup> 20 C.F.R. § 10.404 (1999). Effective February 1, 2001 the Office began using the A.M.A., *Guides* (5<sup>th</sup> ed. 2001). FECA Bulletin No. 01-05 (issued January 29, 2001).

A.M.A., *Guides*, when the average of the hearing levels is 25 decibels or less, there is no impairment in the ability to hear everyday sounds under everyday listening conditions. The remaining amount is multiplied by a factor of 1.5 to arrive at the percentage of monaural hearing loss. 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.<sup>5</sup> The Board has concurred in the Office's adoption of this standard for evaluating hearing loss.<sup>6</sup>

### **ANALYSIS**

According to appellant's most recent audiometry, obtained on April 7, 2005, hearing levels were 15, 10, 10 and 15 decibels on the right and 10, 5, 15 and 40 decibels on the left. These total 50 and 70 decibels, respectively, for averages of 12.5 and 17.5. Because both averages are below the "fence" of 25 decibels, there is no impairment, according to the A.M.A., *Guides*, in appellant's ability to hear everyday sounds under everyday listening conditions. Although his occupational exposure to noise has caused a measurable hearing loss in both ears, the loss is not considered severe enough to constitute an impairment in his hearing. For this reason, the Board finds that appellant is not entitled to a schedule award for permanent impairment under section 8107 of the Act.

### **CONCLUSION**

The Board finds that appellant is not entitled to a schedule award for his employment-related hearing loss. The Office followed standardized procedures in evaluating his hearing loss and properly denied compensation for permanent impairment on the grounds that the loss was not severe enough to be considered ratable.

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

<sup>6</sup> *Donald E. Stockstad*, 53 ECAB 301 (2002), *petition for recon. granted, (modifying prior decision)*, Docket No. 01-1570 (issued August 13, 2002).

**ORDER**

**IT IS HEREBY ORDERED THAT** the July 28, 2005 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: February 8, 2006  
Washington, DC

David S. Gerson, Judge  
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge  
Employees' Compensation Appeals Board