

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of RICHARD A. LAMMA and DEPARTMENT OF AGRICULTURE,  
FOOD SAFETY & INSPECTION SERVICE, Broadway, VA

*Docket No. 99-280; Submitted on the Record;  
Issued April 5, 2000*

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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 19 percent binaural hearing loss for which he received a schedule award.

The Board has duly reviewed the case record in the present appeal and finds that appellant has no more than a 19 percent binaural hearing loss for which he received a schedule award.

The Office of Workers' Compensation Programs properly considered the medical evidence in support of appellant's claim and applied the American Medical Association, *Guides to the Evaluation of Permanent Impairment*<sup>1</sup> in issuing him a schedule award, on September 28, 1998, for a 19 percent binaural hearing loss.

The Office evaluates permanent hearing loss in accordance with the standards contained in the A.M.A., *Guides*. Utilizing the hearing levels recorded at frequencies of 500, 1,000, 2,000 and 3,000 hertz (Hz), the losses at each frequency are added up and averaged and a "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 sounds under everyday conditions.<sup>2</sup> The remaining amount is multiplied by 1.5 to arrive at the percentage of monaural hearing loss. 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>3</sup>

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<sup>1</sup> A.M.A., *Guides*; see *Daniel C. Goings*, 37 ECAB 781 (1986) (where the Board concurred in the Office's use of the standards set forth in the A.M.A., *Guides* in evaluating hearing loss for schedule award purposes).

<sup>2</sup> See A.M.A., *Guides* at 224 (4th ed. 1993); see also *Goings*, *id.*

<sup>3</sup> A.M.A., *Guides*, *id.*

After appellant filed his occupational disease claim for hearing loss, the Office referred appellant to Dr. Danny A. Neal, a Board-certified otolaryngologist. In a July 22, 1998 report, he opined that appellant's workplace noise exposure caused his hearing loss. Accompanying Dr. Neal's report was a May 26, 1998 audiogram, performed on his behalf. After the Office accepted appellant's binaural hearing loss as being employment related, an Office medical adviser calculated permanent impairment based on the audiogram performed for Dr. Neal.

The audiogram revealed the following decibel losses for the right ear at the frequency levels of 500, 1,000, 2,000 and 3,000 Hz: 20, 25, 25 and 80, respectively, for a total of 150 decibels. When this figure, utilizing the above-noted formula, is divided by 4, the result is an average hearing loss of 37.5 decibels. The average loss of 37.5 is reduced by 25 decibels to equal 12.5, which when multiplied by the established factor of 1.5, results in an 18.75 percent monaural hearing loss for the right ear. Testing for the left ear at the frequency levels of 500, 1,000, 2,000 and 3,000 Hz revealed decibel losses of 20, 35, 30 and 75 decibels respectively, for a total of 160 decibels. Utilizing the same above-noted formula results in a 22.5 percent monaural hearing loss for the left ear. To obtain the binaural hearing loss, the 18.75 percent hearing loss for the right ear is multiplied by 5, to obtain the total of 93.75. The 93.75 is then added to the 22.5 percent hearing loss for the left ear to obtain the total of 116.25. The 116.25 is then divided by six, in order to calculate a binaural loss of hearing of 19.375 percent which the Office properly rounded down to 19 percent.<sup>4</sup> Consequently, the evidence does not establish that appellant has greater than a 19 percent binaural hearing loss, for which he received a schedule award.<sup>5</sup>

The schedule award provisions of the Federal Employees' Compensation Act specify the number of weeks of compensation to be paid for each permanent impairment listed in the schedule.<sup>6</sup> As appellant has a 19 percent binaural loss of hearing, he is entitled to 19 percent of 200 weeks which is 38 weeks. The Office properly determined the number of weeks of compensation for which appellant is entitled under the schedule award provisions of the Act.<sup>7</sup>

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<sup>4</sup> See *Donald C. Swiger*, 50 ECAB \_\_\_\_ (Docket No. 97-2809, issued July 8, 1999).

<sup>5</sup> There is no audiogram of record, certified by a physician, which shows a greater hearing loss; see *Joshua A. Holmes*, 42 ECAB 231 (1990).

<sup>6</sup> 5 U.S.C. § 8107(13).

<sup>7</sup> On appeal, appellant also contends that he should be entitled to a hearing aid. While the Office medical adviser who reviewed Dr. Neal's report and calculated the schedule award recommended that a hearing aid be authorized, this matter is not presently before the Board as the Office has not issued a decision with regard to hearing aids; see 20 C.F.R. § 501.2(c).

The September 28, 1998 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, D.C.  
April 5, 2000

David S. Gerson  
Member

Willie T.C. Thomas  
Alternate Member

Bradley T. Knott  
Alternate Member