

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of PAUL S. ZYTYNSKI and DEPARTMENT OF THE TREASURY,  
CUSTOMS SERVICE, Tampa, FL

*Docket No. 99-652; Submitted on the Record;  
Issued April 13, 2000*

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DECISION and ORDER

Before GEORGE E. RIVERS, DAVID S. GERSON,  
BRADLEY T. KNOTT

The issue is whether appellant has more than a four 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 four 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 calculating appellant's permanent impairment for loss of hearing. Thereafter, on October 2, 1998, the Office issued appellant a schedule award for a four percent binaural hearing loss.

The Office evaluates permanent hearing loss in accordance with the standards contained in the A.M.A., *Guides* (4<sup>th</sup> ed. 1993). Utilizing the hearing levels recorded at frequencies of 500, 1,000, 2,000 and 3,000 hertz, 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> American Medical Association, *Guides to the Evaluation of Permanent Impairment* (4<sup>th</sup> ed. 1993); 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 (4<sup>th</sup> ed. 1993); see also *Daniel C. 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. Lance R. Myerson, a Board-certified otolaryngologist. In an August 11, 1998 report, Dr. Myerson opined that appellant's workplace noise exposure caused his hearing loss. Accompanying Dr. Myerson's report was an August 11, 1998 audiogram, performed on the doctor's behalf. Based on this, the Office accepted that appellant had an employment-related bilateral hearing loss. An Office medical adviser, in a September 4, 1998 report, calculated permanent impairment based on the audiogram performed for Dr. Myerson.

The audiogram performed for Dr. Myerson revealed the following decibel losses for the right ear at the frequency levels of 500, 1,000, 2,000 and 3,000 hertz: 10, 10, 20 and 70, respectively, for a total of 110 decibels. When this figure, utilizing the above-noted formula, is divided by 4, the result is an average hearing loss of 27.5 decibels. The average loss of 27.5 is reduced by 25 decibels to equal 2.5, which when multiplied by the established factor of 1.5, results in a 3.75 percent monaural hearing loss for the right ear. The Office rounded this up to a four percent impairment of the right ear. Testing for the left ear at the frequency levels of 500, 1,000, 2,000 and 3,000 hertz revealed decibel losses of 10, 10, 15 and 65 decibels respectively, for a total of 100 decibels. Utilizing the same above-noted formula results in a zero percent monaural hearing loss for the left ear. Thus, only the right ear hearing loss was ratable under the standards used by the Office to calculate permanent impairment. Consequently, the evidence does not establish that appellant has a greater hearing loss than that for which he has previously received a schedule award.<sup>4</sup>

The October 2, 1998 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, D.C.  
April 13, 2000

George E. Rivers  
Member

David S. Gerson  
Member

Bradley T. Knott  
Alternate Member

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<sup>4</sup> The record also contains a December 15, 1997 audiogram apparently taken at the office of Dr. Dennis Agliano, a Board-certified otolaryngologist. However, there is no indication that Dr. Agliano certified this audiogram as being accurate. Consequently, the Office medical adviser was not required to review this audiogram in calculating appellant's permanent impairment; see *Joshua A. Holmes*, 42 ECAB 231 (1990).