

JIM SOLIAS)	
)	
Claimant-Petitioner)	
)	
v.)	
)	
NORTHWEST MARINE IRON WORKS, INCORPORATED)	DATE ISSUED: _____)
)	
and)	
)	
SAIF CORPORATION)	
)	
Employer/Carrier- Respondents)	DECISION and ORDER

Appeal of the Decision and Order of Thomas Schneider, Administrative Law Judge, United States Department of Labor.

Peter W. Preston (Pozzi, Wilson, Atchison, O'Leary & Conboy), Portland, Oregon, for claimant.

Carrol J. Smith (SAIF Corporation), Portland, Oregon, for employer/carrier.

Before: HALL, Chief Administrative Appeals Judge, SMITH and BROWN, Administrative Appeals Judges.

PER CURIAM:

Claimant appeals the Decision and Order (91-LHC-1085) of Administrative Law Judge Thomas Schneider denying benefits on a claim filed pursuant to the provisions of the Longshore and Harbor Workers' Compensation Act, as amended, 33 U.S.C. §901 *et seq.* (the Act). We must affirm the administrative law judge's findings of fact and conclusions of law if they are supported by substantial evidence, are rational, and are in accordance with law. *O'Keeffe v. Smith, Hinchman & Grylls Associates, Inc.*, 380 U.S. 359 (1965); 33 U.S.C. §921(b)(3).

Claimant lacerated his right hand below the little finger on September 9, 1988, while working as a journeyman sheet metal worker for employer. Claimant was paid \$30,168.22 for temporary total disability for 67 2/7 weeks from September 10, 1988 to May 2, 1989, and from November 11, 1989 to July 10, 1990. Emp. Ex. 20. Claimant received \$4,375.99 for a scheduled permanent partial disability under 33 U.S.C. §908(c)(3), (19), based on a 4 percent loss of the right hand. Emp. Ex. 23.

The sole issue in dispute before the administrative law judge was whether a 4 percent

impairment rating represents the full extent of claimant's permanent partial disability. The administrative law judge concluded that claimant was entitled to the 4 percent permanent partial disability award that he had already received, but that he failed to establish that he suffered from any additional impairment. Consequently, he denied claimant additional benefits.

On appeal, claimant contends that the administrative law judge erred in finding that the 4 percent impairment rating represents the full extent of claimant's permanent partial disability to his right hand because this rating did not include the factor of loss of strength. Claimant asserts that he is entitled to a 20 percent impairment rating based on the American Medical Association *Guides to the Evaluation of Permanent Impairment* (3rd ed., rev.) (*AMA Guides*). Employer responds, urging affirmance of the denial of an additional award of benefits.

We reject claimant's contention. Although the administrative law judge discussed claimant's testimony that he has a loss in grip strength, the administrative law judge relied on the medical evidence in determining claimant's degree of impairment. Dr. Nolan stated that returning to work would not place claimant at undue risk, Emp. Ex. 21, and in November 1990, Dr. Nolan found that claimant's total right finger impairment was 35 percent, which impaired the hand by 4 percent. Emp. Ex. 22.

Contrary to claimant's contentions, the administrative law judge rationally found the impairment tables relied on by claimant to be inappropriate for determining claimant's impairment, as the *AMA Guides* state that the tables are to be used to rate loss of strength of the upper extremity due to various disorders of the peripheral or central nervous system and various degenerative neuromuscular conditions.¹ *AMA Guides* at 52-53; Decision and Order at 4. The administrative law judge is not bound by any particular standard or formula but may consider a variety of medical opinions and observations in addition to claimant's description of symptoms and physical effects of his injury in assessing the extent of claimant's disability under the schedule. *Pimpinella v. Universal Maritime Service Inc.*, 27 BRBS 154 (1993); *Bachich v. Seatrains of California*, 9 BRBS 184 (1978). In evaluating the evidence, the fact-finder is entitled to weigh the medical evidence and draw his own inferences from it, and his credibility determinations must be affirmed if they are rational. *Todd Shipyards Corp. v. Donovan*, 300 F.2d 741 (5th Cir. 1982). Inasmuch as the administrative law judge rationally relied on the report of Dr. Nolan to conclude that claimant has a 4 percent impairment, we affirm the finding that claimant failed to establish that he suffered any additional impairment. See generally *Pimpinella*, 27 BRBS at 154.

Accordingly, the Decision and Order of the administrative law judge is affirmed.

SO ORDERED.

¹As the administrative law judge notes, Dr. Nolan tested loss of strength, and either included the results as part of the 4 percent impairment, or did not separately rate loss of strength because he felt it was not an additional impairing factor as required by the *AMA Guides*. Decision and Order at 4; see *AMA Guides* at 53.

BETTY JEAN HALL, Chief
Administrative Appeals Judge

ROY P. SMITH
Administrative Appeals Judge

JAMES F. BROWN
Administrative Appeals Judge