

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JOHN JAMES SHARP and DEPARTMENT OF THE NAVY,
PHILADELPHIA NAVAL SHIPYARD, Philadelphia, PA

*Docket No. 01-81; Submitted on the Record;
Issued August 17, 2001*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant had more than a 14 percent binaural hearing loss for which he received a schedule award.

The Board has given careful consideration to the issue involved, the contentions of the parties on appeal and the entire case record. The Board finds that the decision of the Office of Workers' Compensation Programs' hearing representative dated July 17, 2000 is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the Office hearing representative.¹

¹ The hearing representative rejected appellant's argument that the October 20, 1997 audiogram from the office of Dr. Schwartz should have been used to calculate appellant's hearing impairment, as he found that this audiogram did not contain a statement as to when the audiometer was last calibrated and also lacked the actual tracings made at the time the testing was done. The hearing representative also noted that this test was done over a year after appellant's last employment-related noise exposure. The Board further notes that this audiogram was not signed by a physician. The Board has held that an audiogram prepared by an audiologist must be certified by a physician as being accurate before it can be used to determine the percentage of loss of hearing. *James A. England*, 47 ECAB 115, 118 (1995).

The decisions of the Office of Workers' Compensation Programs dated July 17 and January 13, 2000 are hereby affirmed.

Dated, Washington, DC
August 17, 2001

David S. Gerson
Member

Willie T.C. Thomas
Member

A. Peter Kanjorski
Alternate Member