

The April 24, 2024 decision does not constitute a final adverse decision from OWCP within the Board’s jurisdiction to review on appeal, because this decision was not adverse to appellant. The April 23, 2024 decision accepted appellant’s occupational disease claim for bilateral sensorineural hearing loss and bilateral tinnitus, as well as finding that the medical evidence of record established that he would benefit from hearing aids. On appeal to the Board, appellant disputed a statement in an April 1, 2024 second opinion report from Dr. Douglas McCorkle, a Board-certified otolaryngologist, and expressed concern that it would affect the calculation of his degree of hearing loss. At that time, however, OWCP had not issued a final decision on appellant’s percentage of permanent impairment due to hearing loss.

Section 501.2(c)(2) of the Board’s *Rules of Procedure* provides: “There will be no appeal with respect to any interlocutory matter decided (or not decided) by OWCP during the pendency of a case.”³ Consequently, the case record as transmitted to the Board does not contain a final adverse decision of OWCP issued within 180 days from the date of docketing of the current appeal. As there is no final adverse decision issued by OWCP over which the Board may properly exercise jurisdiction, the Board concludes that the appeal docketed as No. 24-0680 must be dismissed.⁴ Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 24-0680 is dismissed.

Issued: July 15, 2024
Washington, DC

Alec J. Koromilas, Chief Judge
Employees’ Compensation Appeals Board

Janice B. Askin, Judge
Employees’ Compensation Appeals Board

James D. McGinley, Alternate Judge
Employees’ Compensation Appeals Board

³ *Id.* at § 501.2(c)(2).

⁴ The Board’s decisions and orders are “final upon the expiration of 30 days from the date of their issuance.” *Id.* at § 501.6(d).