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06 WC 48156
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STATE OF ILLINOIS)
) SS.
COUNTY OF ST. CLAIR)

<input type="checkbox"/>	Injured Workers' Benefit Fund (§4(d))
<input type="checkbox"/>	Rate Adjustment Fund (§8(g))
<input type="checkbox"/>	Second Injury Fund (§8(e)18)
<input type="checkbox"/>	PTD/Fatal denied
<input checked="" type="checkbox"/>	None of the above

BEFORE THE ILLINOIS WORKERS' COMPENSATION COMMISSION

TIMOTHY HALLER,

Petitioner,

vs.

NOS: 06 WC 06165
06 WC 48156
06 WC 29994

STEIN STEEL MILL SERVICES,

Respondent.

09IWCC0042

DECISION AND OPINION ON REVIEW

Timely Petition for Review having been filed by the Respondent herein and notice having been given to all parties, the Commission, after having considered the issues of causal connection, medical expenses, and permanent partial disability benefits, and having been advised of the facts and law, hereby modifies the Arbitrator's decision as stated below and otherwise affirms and adopts the Arbitrator's decision, which is attached hereto and made a part hereof.

The Commission modifies the Arbitrator's decision with respect to the permanent partial disability award and medical expenses. The Commission affirms the permanent partial disability award of 35% loss of use of Petitioner's right arm for the injury that occurred on July 3, 2005. The Commission modifies the permanent partial disability awards for Petitioner's arms and hands for the injuries sustained on January 13, 2006. With respect to his hands and wrists, Petitioner testified that they feel a lot better after the surgeries and that he does not have any symptoms except for a little bit of tingling. Concerning the condition in his elbows, Petitioner testified that he is happy with the results of the surgeries, that he does not take any medication,

X

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and that he has lost some strength. Petitioner testified that he is working without any restrictions. The Commission finds that Petitioner has sustained a 15% loss of use of each arm for his bilateral cubital tunnel syndrome and 17.5% loss of use of each hand for his bilateral carpal tunnel syndrome.

The Commission also modifies the Arbitrator's decision with respect to medical expenses. The Commission reduces the amount of medical expenses awarded by \$421.40. The bills from Orthopedic Center of St. Louis reflect charges in the sum of \$421.40 for "special reports." We find that Petitioner has failed to prove that these charges are related to the accidents.

IT IS THEREFORE ORDERED BY THE COMMISSION that the Arbitrator's decision, filed on January 12, 2007, is modified as stated herein and otherwise affirmed and adopted.

IT IS FURTHER ORDERED BY THE COMMISSION that Respondent pay to Petitioner the sum of \$109,739.46 for medical expenses under §8(a) of the Act.

IT IS FURTHER ORDERED BY THE COMMISSION that Respondent pay to Petitioner the sum of \$514.75 per week for a period of 19-3/7 weeks, that having been the period of temporary total incapacity for work under §8(b) of the Act.

IT IS FURTHER ORDERED BY THE COMMISSION that Respondent pay to Petitioner the sum of \$463.28 per week for a period of 82.25 weeks, as provided in §8(e) of the Act, for the reason that the injuries sustained on July 3, 2005 caused a 35% loss of use of Petitioner's arm for injuries he sustained to his right shoulder.

IT IS FURTHER ORDERED BY THE COMMISSION that Respondent pay to Petitioner the sum of \$463.28 per week for a total period of 70.5 weeks, as provided in §8(e) of the Act, for the reason that the injuries sustained on January 13, 2006 caused a 15% loss of use to Petitioner's right arm for injuries he sustained to his right elbow and 15% loss of use to Petitioner's left arm for injuries he sustained to his left elbow.

IT IS FURTHER ORDERED BY THE COMMISSION that Respondent pay to Petitioner the sum of \$463.28 per week for a total period of 66.5 weeks, as provided in §8(e) of the Act, for the reason that the injuries sustained on January 13, 2006 caused a 17.5% loss of use to Petitioner's right hand and 17.5% loss of use to Petitioner's left hand.

IT IS FURTHER ORDERED BY THE COMMISSION that Respondent pay to Petitioner interest under §19(n) of the Act, if any.

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IT IS FURTHER ORDERED BY THE COMMISSION that Respondent shall have credit for all amounts paid, if any, to or on behalf of Petitioner on account of said accidental injury.

Bond for the removal of this cause to the Circuit Court by Respondent is hereby fixed at the sum of \$75,000.00. The probable cost of the record to be filed as return to Summons is the sum of \$35.00, payable to the Illinois Workers' Compensation Commission in the form of cash, check or money order therefor and deposited with the Office of the Secretary of the Commission.

DATED: JAN 15 2009

BAS: lc

o 11/19/08

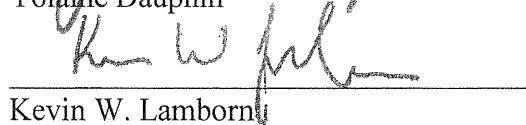
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Barbara A. Sherman



Yolaine Dauphin



Kevin W. Lamborn

ILLINOIS WORKERS' COMPENSATION COMMISSION
NOTICE DECISION OF ARBITRATOR

Timothy Hailer
Employee/Petitioner

Case # 06 WC 6165

06 WC 29994 and
06 WC 48156

v.

Stein Steel Mill Services
Employer/Respondent

09IWCC0042

On Jan 12 2007, an arbitration decision on this case was filed with the Illinois Workers' Compensation Commission in Chicago, a copy of which is enclosed.

A copy of this decision is mailed to the following parties:

87 0969 06 WC 6165 29994-48156
RICH, THOMAS C PC
6 EXECUTIVE DR
SUITE 3
FAIRVIEW HTS, IL 62208

88 0180 06 WC 6165 29994-48156
EVANS & DIXON, LLC
1100 MILLENNIUM EXECUTIVE CENTER
515 OLIVE ST
ST LOUIS, MO 63101-1836

STATE OF ILLINOIS)
)
COUNTY OF St. Clair)

ILLINOIS WORKERS' COMPENSATION COMMISSION
ARBITRATION DECISION

Timothy Haller
Employee/Petitioner

Case # 06 WC 06165

v.

29994
06 WC 02994 and 06 WC 48156

Stein Steel Mill Services
Employer/Respondent

09IWCC0042

An *Application for Adjustment of Claim* was filed in this matter, and a *Notice of Hearing* was mailed to each party. The matter was heard by the Honorable Jennifer Teague, arbitrator of the Commission, in the city of Belleville, on November 27, 2006. After reviewing all of the evidence presented, the arbitrator hereby makes findings on the disputed issues checked below, and attaches those findings to this document.

DISPUTED ISSUES

- A. ☐ Was the respondent operating under and subject to the Illinois Workers' Compensation or Occupational Diseases Act?
- B. ☐ Was there an employee-employer relationship?
- C. ☐ Did an accident occur that arose out of and in the course of the petitioner's employment by the respondent?
- D. ☐ What was the date of the accident?
- E. ☐ Was timely notice of the accident given to the respondent?
- F. ☒ Is the petitioner's present condition of ill-being causally related to the injury?
- G. ☐ What were the petitioner's earnings?
- H. ☐ What was the petitioner's age at the time of the accident?
- I. ☐ What was the petitioner's marital status at the time of the accident?
- J. ☒ Were the medical services that were provided to petitioner reasonable and necessary?
- K. ☒ What amount of compensation is due for temporary total disability?
- L. ☒ What is the nature and extent of the injury?
- M. ☐ Should penalties or fees be imposed upon the respondent?
- N. ☐ Is the respondent due any credit?
- O. ☐ Other _____

FINDINGS

09IWCC0042

- On July 3, 2005, January 13, 2006 and June 21, 2006, the respondent Stein Steel Mill Services was operating under and subject to the provisions of the Act.
- On these dates, an employee-employer relationship *did* exist between the petitioner and respondent.
- On July 3, 2005 and January 13, 2006, the petitioner *did* sustain injuries that arose out of and in the course of employment.
- Timely notice of these accidents *were* given to the respondent.
- In the year preceding the injury, the petitioner earned \$ 37,959.62; the average weekly wage was \$ 772.13.
- At the time of injury, the petitioner was 41 years of age, *single* with 3 children under 18.
- Necessary medical services *have not* been provided by the respondent.
- To date, \$ -0- has been paid by the respondent for TTD and/or maintenance benefits.

ORDER

- The respondent shall pay the petitioner temporary total disability benefits of \$ 514.75/week for 19 3/7 weeks, from January 13, 2006 through January 16, 2006 and from January 31, 2006 through June 11, 2006, which is the period of temporary total disability for which compensation is payable.
- The respondent shall pay the petitioner the sum of \$ 463.28/week for a further period of 252.25 weeks, as provided in Section 8(e) of the Act, because the injuries sustained caused 55% permanent partial disability to Petitioner's right arm (35% referable to the right shoulder d/o/a July 3, 2005, 20% referable to the right elbow d/o/a January 13, 2006) 20% permanent partial disability to his left hand, 20% permanent partial disability to his right hand and 20% permanent partial disability to his left arm.
- The respondent shall pay the petitioner compensation that has accrued from July 3, 2005 through November 27, 2006, and shall pay the remainder of the award, if any, in weekly payments.
- The respondent shall pay the further sum of \$ 110,160.86 for necessary medical services, as provided in Section 8(a) of the Act. The medical bills incurred after February 1, 2006 shall be paid in accordance with the Medical Fee Schedule.
- The respondent shall pay \$ N/A in penalties, as provided in Section 19(k) of the Act.
- The respondent shall pay \$ N/A in penalties, as provided in Section 19(l) of the Act.
- The respondent shall pay \$ N/A in attorneys' fees, as provided in Section 16 of the Act.

RULES REGARDING APPEALS Unless a party files a *Petition for Review* within 30 days after receipt of this decision, and perfects a review in accordance with the Act and Rules, then this decision shall be entered as the decision of the Commission.

STATEMENT OF INTEREST RATE If the Commission reviews this award, interest of 4.92 % shall accrue from the date listed below to the day before the date of payment; however, if an employee's appeal results in either no change or a decrease in this award, interest shall not accrue.

Signature of arbitrator

January 10, 2007

Date

JAN 12 2007

The Arbitrator hereby makes the following Findings of Fact:

Petitioner is a forty-one year old pot station attendant (PSA) for Respondent. Although Petitioner has worked for Respondent for ten years, he has held the position of a PSA for approximately nine and one half years. He has alleged three separate incidents. These claims were consolidated for trial with one decision to issue.

Throughout the course of his employment with Respondent, Petitioner's duties varied slightly. During the first six months Petitioner worked as a Labor and Euclid operator. This required him to work many sixteen hour days during this time. At least two days per week during the second eight hours of his shift, Petitioner was required to shovel and perform clean up at the separator plant.

Petitioner has spent the last nine and one half years as a PSA. The duties of a PSA varied in nature. His daily desk duties required him to fill out daily paperwork to include a Pot Hauler Sheet, a Work Performed Sheet and a Dust Log. He also swept the floor and cleaned the table of the 4X6 shack he manned on the hill. Petitioner performed these cleaning duties multiple times per day as he liked a clean work site.

A PSA works eight hours per day forty hours per week. Petitioner's primary job is to guide pot haulers into the pit so they can empty their slag. Petitioner is also charged with manning a loader operator, specifically a Caterpillar 988B. Petitioner climbs up and down a vertical steel ladder ten to fifteen times per day. Petitioner estimated spending five to ten minutes operating the machine each time. To operate the Caterpillar Petitioner used a steering wheel with two right handed control levers in addition to a 988F which is a joystick on the left side with three levers on the right.

As a PSA, Petitioner also operates a gradall which is a piece of equipment used to get stickers out of pots. This has no ladder so Petitioner has to climb up on the tracks to get in the pot. Petitioner manipulates two joysticks run the gradall. Operating times vary each day.

Petitioner also must run the cooling system which requires him to open valves and adjust the cooling cannons to cool the hot slag. Petitioner estimates he operated these machines one to one and one half hours per day. Weekly, Petitioner was charged with cleaning off the pot hauler tire stops. Eleven stops must be cleaned with a broom or a shovel dependent upon the slag. Petitioner is also charged with putting out fires with a fire hose on pot haulers and loaders. The number of fires from week to week varies.

Throughout his ten years of employment, some of Petitioner's duties were phased out. Up until approximately one year ago, Petitioner sprayed pots by hand with a three foot wand. The wand was sprayed in a large circular motion to cover the pots. Now, an automatic sprayer is used.

For approximately four years, Petitioner was required to service the loader. This was done by hand and required Petitioner to climb all over the loader to perform work in addition to carrying a grease gun for approximately seven days of the month. This duty is no longer performed by Petitioner.

At one time, Petitioner also operated an allied machine for one and one half to two years. This machine was in service daily and operated by joysticks. The operating time varied. This machine has since been removed from the job site.

Alan Medford, Respondent's Superintendent, testified on behalf of Respondent. Medford has worked for Respondent for ten years and has been Superintendent since August 2006. Prior to that, Medford was a foreman for eight and one half years. Prior to being foreman, Medford was a PSA. Medford knows Petitioner and believes he is a good employee.

Medford explained a PSA's primary duty is to act as a safety contact for the pot hauler so the pot hauler does not get into trouble. Medford explained Petitioner is required to fill out three sheets of paperwork per day in addition to keeping his shack clean. Medford estimated 90% of a PSA's job is spent in the shack and believes up to five hours of a PSA's day is spent doing nothing. Medford further estimated a PSA will receive a pot every forty minutes. Medford agrees that the duties Petitioner performs requires the use of his hands.

Medford and an analyst from Gateway Regional Medical Center completed a detailed study of a PSA's job duties on January 17, 2006. , and described the work as: 90% sitting; 10% standing; occasional (1 to 24 times an hour) carrying or lifting 20 pounds floor to knuckle and knuckle to shoulder, walking, stair climbing, bending, squatting, kneeling, stooping, crouching, climbing ladders (5 rungs), handling, fingering, feeling and talking; and, frequent (25 to 125 times an hour) balancing and hearing.

The study further noted the job required a PSA to use a two-way radio 12 to 15 times per day; watch a pot hauler back into stops with use of two way radio and hand signals 12 to 15 times per day; watch from a bunker 12 to 15 times per day as a pot hauler empties slag to be sure the pot is empty and no fires have started; put out fires with a 20-pound fire extinguisher located in the bunker or a water cannon mounted into the ground 3 feet high; climb on and off a front-end loader 10 to 12 times a day; complete a pot hauler sheet; direct water into pits with spray cannons to cool slag; and, shovel or sweep stop areas. The job required occasional (one to twenty-four times an hour) grasping; gripping a broom handle, a shovel, and levers in the front end loader; and, squeezing the trigger on the fire extinguisher.

Dan Duff also testified on behalf of Respondent. Duff has been an employee of Respondent for eleven years and is currently a daytime foreman. He has never been a PSA but he explained he knows their duties as he trains new employees for this position and actively works in the field. Duff is also Petitioner's foreman on occasion.

Duff estimated a PSA spends 85% to 90% of their time doing nothing. He further estimated a PSA receives eight to ten pots per shift and has to fill out three sheets of paperwork per day. Duff believed the shack was cleaned once per day and that PSA's spent only three to five minutes per time in the gradall or loader. Duff explained the joysticks and controls in the gradall and loader could be operated easily with Petitioner's fingertips with minimal resistance.

On July 3, 2005 Petitioner was climbing down from a loader. Petitioner had pot spray on his shoes and his foot slipped off the loader. He reached out with his right arm and grabbed the railing to try

and hold on. In doing so, his arm got jerked outward and he was hanging with his entire body weight supported by his right shoulder. He noted a pop in the shoulder and felt immediate pain.

Petitioner continued working and did not report the injury until July 6, 2005, three days later. At that time, an incident report was filled out which cites an accurate history of injury. The report further notes the reporting was delayed because Petitioner did not think that incident was a big deal until his right arm started going numb.

Petitioner reported to his family physician Dr. Nyazee on July 8, 2005. Petitioner reported a history of falling and hurting his shoulder. Petitioner complained of his right hand and arm fell asleep several times per day. Dr. Nyazee diagnosed neck pain, cervical disc and CTS of the right arm. He recommended a cervical MRI and a nerve conduction testing.

Petitioner continued to work full duty for Respondent despite his initial difficulties. As time passed, Petitioner's symptoms increased. He next reported to Dr. Nyazee on December 14, 2005. Dr. Nyazee noted Petitioner was having continued pain in his right shoulder and numbness in the fingers of his right hand. Dr. Nyazee again recommended an EMG/NCS. This was performed on December 20, 2005 and showed severe carpal tunnel syndrome bilaterally along with bilateral ulnar neuropathy. Dr. Nyazee also ordered a cervical MRI to rule out any disc pathology. This showed only mild to moderate right disc bulging at C5-6.

Petitioner returned to Dr. Nyazee on January 5, 2006 and complained of low back aches and pains. Petitioner denied any falls or new injuries. Dr. Nyazee noted severe CTS and ulnar neuropathy.

On January 13, 2006 Petitioner reported to Duff that his work duties were causing his pain and numbness in his arm and shoulder.

On the same day, Petitioner reported to Gateway Occupational Health Services and the direction of Respondent. Petitioner reported pain and numbness in his left and right arm, right shoulder and pain in his low back. He noted his symptoms developed over a period of time. Dr. Ginsberg diagnosed bilateral carpal tunnel syndrome and shoulder impingement. He recommended night splinting and physical therapy for two weeks. No opinion on regarding causation was noted.

After seeing Dr. Ginsberg, Petitioner went to the office of Dr. Nyazee. He reported to Dr. Nyazee he saw the company doctor and was placed on occupational/physical therapy. Dr. Nyazee maintained his diagnoses and referred Petitioner to Dr. Brown before attending physical therapy. Dr. Nyazee further ordered Petitioner to remain off work from January 13, 2006 through January 16, 2006.

Dr. Brown saw Petitioner on January 31, 2006 and took a health history of no other problems that would cause or contribute to carpal tunnel syndrome. He noted Petitioner was going through physical therapy at the present but it did not help and that he still had pain and numbness in his right hand, right elbow, and right shoulder along with his left hand and left elbow. Petitioner's job description to Dr. Brown mirrored his testimony.

Physical exam showed positive Tinel's over the elbows and carpal tunnels. His diagnosis was carpal tunnel syndrome and possibly cubital tunnel syndrome. He recommended repeat EMG/NCS and

kept Petitioner off work. On February 20, 2006 Dr. Brown reviewed the results of the test and believed that Petitioner had severe bilateral carpal tunnel syndrome and bilateral cubital syndrome that had failed conservative treatment. Surgical intervention was recommended.

On February 20, 2006 Dr. Brown opined that based upon the job description as reported by Petitioner, his duties as a steel worker would be a contributing factor in the development of his compression neuropathies of both carpal tunnel and cubital tunnels. Dr. Brown further noted Petitioner does not have any medical problems that would put him at increased risk for these conditions.

Prior to performing surgery, Dr. Brown referred Petitioner to Dr. George Paletta, his partner, for Petitioner's shoulder complaints. Dr. Paletta took the history of the injury, but although Petitioner provided a correct description of the accident he recited the wrong date on the initial intake form. He dated the incident as January 12, 2006 as opposed to July 3, 2005. On January 13, 2006 Petitioner had filled out a prior accident report; however the history reads that Petitioner was experiencing pain and numbness in both arms and his right shoulder because of repetitive motion of normal job duties. Petitioner testified at Arbitration that he was mistaken in reporting the wrong date.

Dr. Paletta's exam showed limited ranges of motion and positive orthopedic testing. His diagnosis was a possible traumatic slap tear vs. a subscapularis tear. He recommended an MRI arthrogram of his right shoulder. This showed fluid in the subacromial space with a subacute strain of the rotator cuff. Dr. Paletta recommended an injection and diagnosed chronic subacromial impingement in the setting of a rotator cuff strain and mild to moderate AC joint impingement. This did not help.

Because he failed non surgical treatment and Petitioner's symptoms had progressed to the point where they were limiting his activities of daily living and returning to work he recommended surgery after Petitioner had finished with Dr. Brown. In his treatment notes, Dr. Paletta explained it was his opinion that Petitioner's current symptoms were related to the injury when he reached out with his right arm and grabbed a railing to hold on suspending his entire body weight supported by his right shoulder.

Per Dr. Brown's recommendation, on March 10, 2006 Petitioner underwent right ulnar nerve transposition and right carpal tunnel release and noted immediate improvement. This improvement continued until April 7, 2006 when he had a left carpal tunnel release and left ulnar nerve transposition. He continued to notice significant improvement in both elbows and wrists and testified to a good result. On May 23, 2006 Dr. Brown found Petitioner has recovered sufficiently to return to full duty work. However, Petitioner was still under the care and treatment of Dr. Paletta for his right shoulder condition.

Per Dr. Paletta's recommendation, on May 1, 2006 Petitioner underwent right shoulder surgery. Dr. Paletta noted findings of a posterior/superior labral tear with significant longitudinal splitting of the posterior superior quadrant of the labrum. There was also a high-grade partial tear of the subscapularis tendon with a large unstable portion in addition to a longitudinal split in the tendon. There was also a high grade partial thickness rotator cuff tear on the bursal side which involved at least 90% of the thickness of the cuff. These were all repaired during surgery.

After a course of physical therapy as prescribed by Dr. Paletta, Petitioner noted significant improvement and returned to light duty work on or about June 12, 2006, only six weeks after surgery. He returned to work full duty on September 26, 2006.

Dr. Brown testified by way of deposition. He stated that based on Petitioner's findings, history, and examination he believed that his work activities were a contributing factor to the development of his bilateral carpal tunnel and cubital tunnel syndromes. Dr. Paletta also testified by way of deposition and outside from getting the date wrong he believed that the July 3, 2005 incident where Petitioner swung with his right arm supporting his whole body weight with his right shoulder was the causative factor in Petitioner's multiple shoulder problems.

At Respondent's request, Dr. Cantrell performed a Section 12 Exam on March 13, 2006. Petitioner reported he worked as a PSA, drove a front end loader and directed vehicles carrying slag. Petitioner reported a consistent history of a right shoulder injury, but indicated the date of accident was January 13, 2006. Petitioner further described his course medical treatment to Dr. Cantrell. A physical exam was not performed as Petitioner was three days postop from the surgery performed on his right hand and arm by Dr. Brown.

Dr. Cantrell also reviewed some of Petitioner's medical records. He noted he needed additional records and wanted to evaluate Petitioner after he recovered from surgery. Dr. Cantrell Petitioner could perform sedentary duty with his left arm. No causation opinions were initially rendered.

Dr. Cantrell reviewed addition records provided by Respondent and issued a second report dated May 16, 2005. Dr. Cantrell then opined Petitioner's bilateral carpal tunnel syndrome and bilateral cubital syndrome were not causally related to his work activities. Dr. Cantrell does not issue an opinion regarding Petitioner's right shoulder condition.

Subsequently, Dr. Cantrell testified by way of deposition. Dr. Cantrell explained that he does five medical/legal examinations per day, virtually all those being at the request of the Respondent or Employer. His charge for evaluating Petitioner and preparing two reports was \$950.00 dollars and he charges a \$1,000.00 per deposition.

Dr. Cantrell cited his knowledge regarding Petitioner's job activities and indicated on cross exam that he could not affirmatively state Petitioner's job activities posed absolutely no contributing factor to his diagnosis of bilateral carpal tunnel syndrome. He further admitted Petitioner had no risk factors for the development of carpal tunnel syndrome.

Petitioner also testified to a minor incident on June 21, 2006 wherein he was pulling a hose to help put out a fire at work. Petitioner indicated this incident caused him no additional problems.

Petitioner described an overall improved condition in his arms, hands and right shoulder post operatively. Petitioner's right shoulder, hands and elbows have lost some strength as compared to prior to the surgeries. Petitioner does not take over the counter medications. He is careful in how he performs tasks and is mindful of how much he lifts.

Therefore, the Arbitrator concludes:

1. Petitioner sustained an accidental injury to his right shoulder on July 3, 2005 arising out of and in the course of his employment with Respondent.

The Arbitrator relies on the accident report prepared July 6, 2005 in addition to the consistent description of the incident narrated by Petitioner to his treating physicians. Although at times, Petitioner reported as inconsistent date of this accident, the Arbitrator finds it to be a simple mistake when viewing the evidence in total.

Petitioner sustained accidental injuries which manifested on January 13, 2006 arising out of and in the course of his employment with Respondent.

Based on all the evidence in the record, the Arbitrator finds that during his ten year employment history with Respondent, Petitioner performed repetitive job duties which have contributed to the development of his carpal and cubital tunnel syndrome

2. Petitioner's condition of ill being as it relates to his right shoulder condition is causally related to the accident of July 3, 2005. This is based on the chain of events and the records of Petitioner's treating physicians. Further, the Arbitrator relies on the opinions of Dr. Paletta in addition to the plain surgical findings.

Petitioner's condition of ill being as it relates to his bilateral carpal tunnel syndrome and bilateral cubital tunnel syndrome which manifested on January 13, 2006 are causally related to Petitioner's employment with Respondent. The Arbitrator relies on the opinions of Dr. Brown. Additionally, the Arbitrator relies on the testimony of Petitioner which was extremely credible.

The Arbitrator notes Dr. Cantrell, Respondent's examiner, testified inconsistently. He originally stated in his reports, and on direct examination, that Petitioner's job activities were not contributing factors to the development of these conditions, however on cross examination, when confronted with Petitioner's job description he admitted he could not rule them out and that Petitioner had no other contributing factors.

3. Petitioner was temporarily totally disabled from January 13, 2006 through January 16, 2006 and from January 31, 2006 through June 11, 2006.
4. The medical treatment obtained by Petitioner for his conditions as outlined above was reasonable and necessary. Petitioner's care and treatment was conservative at the outset with physical therapy and medication being provided by his family physician. When the symptoms did not improve diagnostic studies were then done which revealed the severe nature of Petitioner's problems. Petitioner was promptly referred to a competent board certified specialists who corrected the problems with a good result.

Respondent shall pay the medical bills set forth in Petitioner's Group Exhibit 2. Medical bills incurred prior to February 1, 2006 shall be paid in their entirety. Medical bills incurred after February 1, 2006 shall be paid in accordance with the Medical Fee Schedule contained in Section 8(a), 8.2 of the Illinois Worker's Compensation Act.

Respondent shall receive credit for any and all amounts previously paid.

5. As a result of the accident of July 3, 2005, Petitioner sustained 35% permanent partial disability to his right arm referable to his shoulder.

As a result of the repetitive trauma that manifested on January 13, 2006, Petitioner sustained 20% permanent partial disability to his left hand, 20% permanent partial disability to his right hand, 20% permanent partial disability to his left arm and 20% permanent partial disability to the right arm.