

STATE OF ILLINOIS)
) SS.
COUNTY OF MADISON)

<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

Ronald Steinmeyer,

Petitioner,

vs.

10IWCC0720

NO: 09WC009272

Olin Brass,

Respondent.

DECISION AND OPINION ON REVIEW

Timely Petition for Review having been filed by Respondent herein and notice given to all parties, the Commission, after considering the issue of the nature and extent of Petitioner's permanent disability, and being advised of the facts and law, affirms and adopts the Decision of the Arbitrator, which is attached hereto and made a part hereof.

IT IS THEREFORE ORDERED BY THE COMMISSION that the Decision of the Arbitrator filed February 3, 2010 is hereby affirmed and adopted.

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

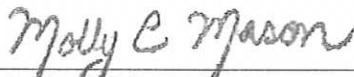
IT IS FURTHER ORDERED BY THE COMMISSION that Respondent shall have credit for all amounts paid, if any, to or on behalf of the Petitioner on account of said accidental injury.

Bond for removal of this cause to the Circuit Court by Respondent is hereby fixed at the sum of \$37,900.00. The probable cost of the record to be filed as return to Summons is the sum

X

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: JUL 30 2010


Molly C. Mason


Daniel R. Donohoo


MCM:bjg

0-7/26/10

49

DISSENT

I respectfully disagree with the Majority's Decision affirming and adopting the Arbitrator's Decision finding that Petitioner sustained permanent partial disability to the extent of 25% loss of use of the left arm. Petitioner injured his non-dominant arm. He was diagnosed with left cubital tunnel syndrome for which he underwent operative intervention. He was released to return to work without restrictions and did so. While Petitioner complained to his doctor of subjective complaints in his left ring and little fingers in January of 2009, Dr. Brown explained to Petitioner that it could take up to 18 months for Petitioner to notice the full benefits of his surgery. Nevertheless Dr. Brown ordered repeat nerve conduction studies which showed significant improvement in Petitioner's left ulnar nerve. Petitioner testified at arbitration that his symptoms do not interfere with his daily activities. He has sought no further treatment since seeing Dr. Brown in January of 2009. In light of the foregoing a more appropriate permanency award would have been 17.5% loss of use of the left arm.


Nancy Lindsay

ILLINOIS WORKERS' COMPENSATION COMMISSION
NOTICE OF ARBITRATOR DECISION
CORRECTED

10IWCC0720

STEINMEYER, RONALD

Employee/Petitioner

Case# 09WC009272

OLIN

Employer/Respondent

On 2/3/2010, an arbitration decision on this case was filed with the Illinois Workers' Compensation Commission in Chicago, a copy of which is enclosed.

If the Commission reviews this award, interest of 0.16% shall accrue from the date listed above 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.

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

1580 BECKER SCHROADER & CHAPMAN
TODD J SCHROADER
3673 HGWAY 111 PO BOX 488
GRANITE CITY, IL 62040

0299 KEEFE & DEPAULI PC
MICHAEL KEEFE
#2 EXECUTIVE DR
FAIRVIEW HTS, IL 62208

STATE OF ILLINOIS)

COUNTY OF Madison)

- | | |
|-------------------------------------|---------------------------------------|
| <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 checked="" type="checkbox"/> | None of the above |

101WCC0720

**ILLINOIS WORKERS' COMPENSATION COMMISSION
CORRECTED ARBITRATION DECISION
REGARDING THE NATURE AND EXTENT OF THE INJURY**

Ronald Steinmeyer

Employee/Petitioner

Case # **09 WC 9272**

v.

Collinsville

Olin

Employer/Respondent

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 **Andrew Nalefski**, arbitrator of the Commission, in the city of **Collinsville**, on **12/29/09**. The only disputed issue is the nature and extent of the injury. By stipulation, the parties agree on the following items:

- On **3/9/08**, the respondent **Olin** was operating under and subject to the provisions of the Act.
- On this date, the relationship of employee and employer did exist between the petitioner and respondent.
- On this date, the petitioner sustained accidental injuries that arose out of and in the course of employment.
- Timely notice of this accident was given to the respondent.
- In the year preceding the injury, the petitioner earned \$ **58,740.89**, and the average weekly wage was \$ **1,048.68**.
- At the time of injury, the petitioner was **55** years of age, ***married*** with **0** children under 18.
- Necessary medical services have been provided by the respondent.
- The respondent shall pay the petitioner temporary total disability benefits of \$ **N/A**/week for **N/A** weeks, from **N/A** through **N/A**, which is the period of temporary total disability for which compensation is payable.
- To date, \$ **1,977.38** has been paid for TTD and/or maintenance benefits.

After reviewing all of the evidence presented, the arbitrator hereby makes findings regarding the nature and extent of the injury, and attaches the findings to this document.

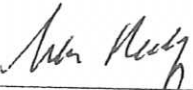
ORDER

10IWCC0720

- The respondent shall pay the petitioner the sum of \$ 629.21 for a further period of 63.25 weeks, as provided in Section 8(e) of the Act, because the injuries sustained caused the loss of 25% of the left arm.
- The respondent shall pay the petitioner compensation that has accrued from 6/3/08 through 12/29/09 and shall pay the remainder of the award, if any, in weekly payments.
- The respondent shall pay \$ 0 for medical services, as provided in Section 8(a) of the Act.

RULES REGARDING APPEALS Unless a Petition for Review is filed within 30 days after receipt of this decision, and a review is perfected 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 at the rate set forth on the *Notice of Decision of Arbitrator* 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

1/29/10
Date

FEB 3 2010

The Arbitrator finds the following facts;

Petitioner has been employed by Respondent for over 20 years as a large crane operator. He wears the remote control box around his waste. Petitioner began having problems and difficulties with his left elbow. On 2/28/08 Petitioner felt a shocking sensation in his left elbow was operating a jack hammer at work.

Petitioner was seen in the plant dispensary the same day. He was referred to the company physicians at Midwest Occupational Medicine (MOM). He was treated conservatively without relief. He was then referred to Dr. David Brown, an orthopedist.

On 4/28/08 Dr. Brown diagnosed a significant ulnar neuropathy across the left elbow. Dr. Brown noted petitioner's description of his history of operating a jackhammer and then feeling a shock combined with his job description believed the incident was a contributing factor.) Petitioner underwent surgery on 5/15/08 which consisted of a left cubital tunnel release with an anterior submuscular transposition of the ulnar nerve with myofascial lengthening of the flexor-pronator tendon origin.

On 5/27/08 Dr. Brown aspirated about 10cc of fluid from a seroma of the left elbow. Petitioner was put on a one handed work duty status with a left arm assisting on light tasks less then 2 pound lifting limit with the left upper extremity. Petitioner was returned to full duty with no restrictions on 6/30/08 even though Petitioner still showed evidence of severe ulnar neuropathy across the elbow. Dr. Brown opined it could take some time for the nerve to heal.

On 10/20/08 Petitioner returned to Dr. Brown and reported that he felt he had about 5% relief with the surgery. Dr. Brown was not surprised he has only noticed some mild improvement and indicated it may take about 18 months or so for him to notice the full benefits of surgery. On 1/19/09 petitioner was still complaining of numbness and tingling in his left and middle fingers, which was no better than it was prior to surgery. EMG/NCS of 1/26/09 revealed significant improvement from earlier.

Petitioner testified he still has numbness and weakness in ring and little fingers on his left hand. Petitioner states the numbness has been consistent since his injury and the surgery while helping some did not alleviate his problems.

Therefore the Arbitrator concludes:

1. As a result of his work injuries Petitioner has sustained the loss of 25% of his left arm.