

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

Jeannie Brown,  
Petitioner,

vs.

St. Clair County Circuit Clerk,  
Respondent,

NO: 09 WC 26065

**11IWCC0637**

DECISION AND OPINION ON REVIEW

Timely Petition for Review having been filed by the Respondent herein and notice given to all parties, the Commission, after considering the issues of accident, temporary total disability, causal connection, permanent partial disability, medical expenses 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 December 21, 2010 is hereby affirmed and adopted.

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

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

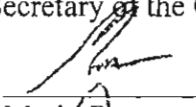
The probable cost of the record to be filed as return to Summons is the sum of \$35.00, payable to the Illinois Workers' Compensation Commission in the form of cash, check or money order therefor and deposited with the Office of the Secretary of the Commission.

DATED: JUN 29 2011

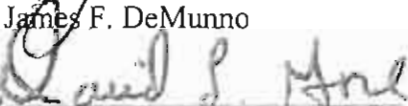
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Mario Basurto

  
James F. DeMunno

  
David L. Gore

ILLINOIS WORKERS' COMPENSATION COMMISSION  
NOTICE OF ARBITRATOR DECISION

BROWN, JEANNIE

Employee/Petitioner

Case# 09WC026065

11IWCC0637

ST CLAIR COUNTY CIRCUIT CLERK

Employer/Respondent

On 12/21/2010, 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 0.18% 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:

1233 KOLKER LAW OFFICES  
CHRIS KOLKER  
9423 W MAIN ST  
BELLEVILLE, IL 62223

0810 BECKER PAULSON & HOERNER PC  
ROD THOMPSON  
5111 W MAIN ST  
BELLEVILLE, IL 62226

11IWCC0637

STATE OF ILLINOIS

)

)SS.

COUNTY OF St. Clair

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- ☐ Injured Workers' Benefit Fund (§4(d))
- ☐ Rate Adjustment Fund (§8(g))
- ☐ Second Injury Fund (§8(e)(3))
- ☒ None of the above

ILLINOIS WORKERS' COMPENSATION COMMISSION  
ARBITRATION DECISION

Jeannie Brown

Employee/Petitioner

v.

Case # 09 WC 26065St. Clair County Circuit Clerk

Employer/Respondent

Consolidated cases: N/A

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 **Collinsville (from Belleville docket)**, on **November 29, 2010**. 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 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 Petitioner's employment by Respondent?
- D. ☐ What was the date of the accident?
- E. ☐ Was timely notice of the accident given to Respondent?
- F. ☒ Is Petitioner's current condition of ill-being causally related to the injury?
- G. ☐ What were Petitioner's earnings?
- H. ☐ What was Petitioner's age at the time of the accident?
- I. ☐ What was Petitioner's marital status at the time of the accident?
- J. ☒ Were the medical services that were provided to Petitioner reasonable and necessary? Has Respondent paid all appropriate charges for all reasonable and necessary medical services?
- K. ☒ What temporary benefits are in dispute?  
☐ TPD      ☐ Maintenance      ☒ TTD
- L. ☒ What is the nature and extent of the injury?
- M. ☐ Should penalties or fees be imposed upon Respondent?
- N. ☐ Is Respondent due any credit?
- O. ☐ Other \_\_\_\_\_

11IWCC0637

**FINDINGS**

On November 15, 2007, Respondent *was* operating under and subject to the provisions of the Act.

On this date, an employee-employer relationship *did* exist between Petitioner and Respondent.

On this date, Petitioner *did* sustain an accident that arose out of and in the course of employment.

Timely notice of this accident *was* given to Respondent.

Petitioner's current condition of ill-being *is* causally related to the accident.

In the year preceding the injury, Petitioner earned **\$80,998.28**; the average weekly wage was **\$1,557.66**.

On the date of accident, Petitioner was **53** years of age, *married* with **0** children under 18.

Petitioner *has* received all reasonable and necessary medical services.

Respondent *has not* paid all appropriate charges for all reasonable and necessary medical services.

Respondent shall be given a credit of **\$1,461.50** for TTD, **\$-0-** for TPD, **\$-0-** for maintenance, and **\$-0-** for other benefits, for a total credit of **\$1,461.50**.

**ORDER**

Respondent shall pay Petitioner temporary total disability benefits of \$1,038.44/week for 5 6/7 weeks, commencing February 27, 2008 through March 11, 2008 through November 3, 2009 through November 29, 2009, as provided in Section 8(b) of the Act. Respondent shall pay Petitioner the temporary total disability benefits that have accrued from November 15, 2007 through November 29, 2010, and shall pay the remainder of the award, if any, in weekly payments.

Respondent shall pay Petitioner permanent partial disability benefits of \$636.15/week for 82 weeks, because the injuries sustained caused the 20% loss to each the right hand and left hand, as provided in Section 8(e) of the Act.

Respondent shall pay Petitioner permanent partial disability benefits of \$636.15/week for 56.925 weeks, because the injuries sustained caused the 20% loss of the right arm, and 2.5% loss of the left arm, as provided in Section 8(e) of the Act.

Respondent shall pay the medical bills in Petitioner's Exhibit 9 in accordance with the provisions of the Fee Schedule or pursuant to contractual arrangements Respondent has with the medical providers with Respondent receiving credit for all amounts paid. Respondent shall hold petitioner harmless from any claims by any providers of the services for which Respondent is receiving this credit, as provided in Section 8(j) 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 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

December 15, 2010

Date

DEC 21 2010

**The Arbitrator hereby makes the following Findings of Fact:**

Petitioner is currently the office manager for Respondent, the St. Clair County Clerk's Office, and has held that title since 1989. She has worked for the Respondent for 25 years. She is in charge of operating and testing the computer systems that are utilized in Respondent's office. Her job duties require her to utilize a computer approximately 90-95% of her day. In addition to that activity, she also files, takes notes, and performs other duties. She testified that these activities cause her to engage in repetitive use of her hands and repetitive use of her arms, particularly at the elbows.

Petitioner stated that she had some gradual onset of pain and numbness in both upper extremities and that it worsened to the point that it would wake her up at night. She also noted decreased grip strength in her hands, difficulty holding objects, pain in her right arm from her elbow down to her fingers, pain and numbness in the right hand and pain and numbness in the left hand.

Petitioner began a course of treatment with Dr. Goldfarb on November 15, 2007. She gave a history of symptoms of for six years and described her work duties. Dr. Goldfarb diagnosed bilateral carpal and cubital tunnel syndromes and opined Petitioner's work duties were a likely contributing factor to her symptomatology.

When splinting failed, Petitioner underwent surgery by Dr. Goldfarb on February 27, 2008. She underwent a right carpal tunnel release and a right ulnar nerve release at the cubital tunnel. There was no transposition of the ulnar nerve. She was off work from the date of the surgery through March 12, 2008.

Petitioner did not return to Dr. Goldfarb after June 2008 for further evaluation of her right upper extremity. Petitioner testified that these surgeries helped her and that she was eventually released from Dr. Goldfarb's care.

Petitioner initially saw Dr. Kosit Prieb on August 6, 2009. She complained of her left upper extremity, primarily of numbness and tingling in her left hand. Dr. Prieb evaluated her and prescribed Motrin and a wrist splint.

On November 3, 2009 Dr. Prieb took Petitioner to surgery and performed a left carpal tunnel release. No surgery was performed on the left elbow. She was taken off work at that time. She returned to see Dr. Prieb on November 16, 2009 and he told her to remain off work until November 30, 2009.

Petitioner last saw Dr. Prieb on February 22, 2010. He recorded that she had no more numbness and she was released from Dr. Prieb's care. Petitioner testified that she had not returned to Dr. Prieb since that time.

Petitioner saw Dr. William Strecker at the Respondent's request on March 24, 2009. Petitioner provided a history of onset and symptoms as noted above. Dr. Strecker performed a physical exam. Dr. Strecker diagnosed the Petitioner's condition at that time as left carpal tunnel syndrome and left cubital tunnel syndrome without any electro diagnostic conformation. He recommended that an EMG and NCV be performed and that if it was consistent with her symptoms, that she would be a surgical

candidate. He stated that he found no medical evidence that her job or employment with Respondent was a factor in the development of either her carpal tunnel conditions or her cubital tunnel conditions.

Petitioner acknowledged undergoing a partial thyroidectomy prior to 2007 and further acknowledged taking a thyroid medication (Levothyroxine) for some time prior to that as well. She also stated that she advised Dr. Tse, her primary care physician, that she had been treated for high blood pressure. Dr. Tse noted in his records that she had "asymptomatic" carpal tunnel syndrome.

Petitioner testified that she had seen a physician, Dr. Schlafly, in the past for complaints consistent with carpal tunnel syndrome. Dr. Schlafly had not performed any specific treatment for this condition other than conservative care. When the Petitioner saw Dr. Tse on January 9, 2007 she reported to him that she was taking the Levothyroxine for her thyroid condition, Propranolol for her high blood pressure, Vitamin D, Vitamin B6, and Combipatch 5/140 for hormone therapy. She had been taking the Combipatch for several years.

Petitioner acknowledged that Dr. Tse's notation that she had been a chronic smoker in May 2007 was correct. She said that she had smoked about a pack a day for 30 years and that she had quit one or two years prior to seeing Dr. Tse. She further acknowledged that Dr. O'Dell was her OB/GYN and that he was the one who would prescribe the Combipatch.

Petitioner testified at the time of hearing that she was not taking any prescription medications for her upper extremity conditions and that she returned to work as an office manager for Respondent.

Petitioner testified that she was primarily experiencing weakness, particularly in the right hand. She gave an example of having difficulty opening jars. She also testified that she is right handed.

**Therefore, the Arbitrator concludes:**

1. Petitioner sustained accidental injuries arising out of and in the course of her employment with Respondent which manifested on November 15, 2007.
2. Petitioner's conditions of ill being are causally related to the repetitive duties she performed during her tenure of employment with Respondent. This is based on the chain of events and the records of Petitioner's treating physicians.

The Arbitrator notes that Dr. Goldfarb and Dr. Prieb both opine that Petitioner's duties for Respondent are a contributing or aggravating factor to her symptomatology. Further, the Arbitrator finds the testimony of Petitioner credible and relies on same.

3. Petitioner was temporarily totally disabled from February 27, 2008 through March 11, 2008 and from November 3, 2009 through November 29, 2009.
4. The medical bills set forth in Petitioner's Exhibit 9 are reasonable and necessary and causally related to the accident herein. Respondent shall pay said expenses in accordance with the provisions of the Medical Fee Schedule or pursuant to any contractual arrangements.

11IWCC0637

Respondent may have with said medical providers with Respondent receiving credit for all amounts previously paid. Further, Respondent shall hold petitioner harmless from any claims by any providers of the services for which Respondent is receiving this credit, as provided in Section 8(j) of the Act.

5. As a result of the accidental injuries which manifested on November 15, 2007, Petitioner sustained 20% permanent partial disability to her right arm, 20% permanent partial disability to her right hand, 20% permanent partial disability to her left hand, and 2 1/2% permanent partial disability to her left arm.