

STATE OF ILLINOIS)
) SS.
COUNTY OF)
WINNEBAGO

<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

Jeffrey Bronson,

Petitioner,

11IWCC0284

vs.

NO: 06 WC 49822

Hamilton-Sundstrant UTC
(United Technologies),

Respondent.

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, medical expenses, statute of limitations, 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.

The Commission notes that they viewed the video, Respondent Exhibit 10.

IT IS THEREFORE ORDERED BY THE COMMISSION that the Decision of the Arbitrator filed February 4, 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.

11IWCC0284

Bond for 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: MAR 21 2011
DLG:yl
o 3/2/11
45



David L. Gore



Yolaine Dauphin

DISSENT

I respectfully dissent. Petitioner's bilateral carpal tunnel syndrome manifested itself as early as February and March of 1993 when his doctor (Dr. Gillis) wrote to Respondent advising it of Petitioner's diagnosis and need for work modifications. Thereafter, Petitioner continued to work for Respondent and experienced symptoms and complaints depending upon his work duties. These ongoing complaints over the years were not new accidents or aggravations; rather, they were manifestations and exacerbations of the original condition diagnosed back in 1993. Petitioner knew of his condition and its relationship with his work for Respondent as early as 1993. The date of accident in a repetitive trauma claim is not the date on which the injury and its causal link to work became plainly apparent to a reasonable doctor (as set forth in the Arbitrator's findings on the statute of limitations issue which the Majority has adopted); rather, it is the date on which the injury and its causal link became plainly apparent to a reasonable employee. In this instance, that was February of 1993. While I would have denied Petitioner's claim with respect to bilateral carpal tunnel syndrome, I would have found Petitioner sustained a repetitive trauma injury to his elbows on October 22, 2006 and affirmed the Arbitrator's award with respect to that condition.



Nancy Lindsay

ILLINOIS WORKERS' COMPENSATION COMMISSION
NOTICE OF ARBITRATOR DECISION

BRONSON, JEFFREY

Employee/Petitioner

Case# **06WC049822**

11IWCC0284

**HAMILTON-SUNDSTRANT UTC (UNITED
TECHNOLOGIES)**

Employer/Respondent

On 2/4/2010, 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:

0293 KATZ FRIEDMAN EAGLE ET AL
PHILIP BARECK
77 W WASHINGTON ST 20TH FL
CHICAGO, IL 60602

2027 PICHASALISBURY & McCUMBER LLC
JEFFREY L SALISBURY
1639 N ALPINE RD SUITE 300
ROCKFORD, IL 61107

STATE OF ILLINOIS)
)
COUNTY OF WINNEBAGO)

- | | |
|-------------------------------------|---------------------------------------|
| <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 |

ILLINOIS WORKERS' COMPENSATION COMMISSION
ARBITRATION DECISION

JEFFREY BRONSON
Employee/Petitioner

11IWCC0284

CASE: 06 WC 49822

v.

HAMILTON SUNDSTRAND UTC (United Technologies)
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 Peter Akemann, arbitrator of the Commission, in the city of Rockford, on 01/15/2010. 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 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. ☒ Statute of Limitations

FINDINGS OF THE ARBITRATOR:

11IWCC0284

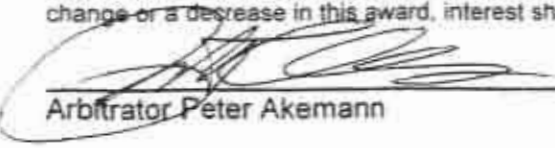
- On 10/22/2006, the respondent, Hamilton Sundstrand, was operating under and subject to the provisions of the Act.
- On this date, an employee-employer relationship existed between the petitioner and respondent.
- On this date, the petitioner sustained injuries that arose out of and in the course of employment.
- Timely notice of this accident was given to the respondent.
- In the year preceding the injury, the petitioner earned \$66,259.96; the average weekly wage was \$ 1,274.23.
- At the time of injury, the petitioner was 53 years of age, married with no children under 18.
- Necessary medical services have not been provided by the respondent.
- To date, \$ 12,526.87 has been paid by the respondent for group disability benefits for which respondent is entitled to a credit pursuant to 8(j) of the Act.

ORDERS OF THE ARBITRATOR:

- The respondent shall pay the petitioner temporary total disability benefits of \$ 849.49 per week for 20.6 weeks, beginning 05/09/2008 through and including July 27, 2008; then again beginning 09/02/2008 through and including 11/06/2008; which is the period of temporary total disability for which compensation is payable under Section 8(b) of the Act. The respondent is entitled to a credit for \$12,526.87 in group, nonoccupational-disability benefits paid for this period of time. The respondent shall hold the petitioner safe and harmless for such payments to the extent of such credit pursuant to Section 8(j) of the Act.
- The respondent shall pay the petitioner the sum of \$ 619.97 per week for a further period of 148.850 weeks, as provided in Section 8(e) of the Act, because the injuries sustained caused a 17.5% loss of use of the petitioner's right arm, a 15% loss of use of the petitioner's left arm, a 17.5% loss of use of the petitioner's right hand, and a 15% loss of use of the petitioner's left hand.
- The respondent shall pay the petitioner compensation that has accrued from 10/22/2006 through 01/15/2010, and shall pay the remainder of the award, if any, in weekly payments.
- The respondent shall pay the further sum of \$ 307.00 for necessary medical services, as provided in Section 8(a) of the Act.
- The respondent shall pay \$ -0- in penalties, as provided in Section 19(k) of the Act.
- The respondent shall pay \$ -0- in penalties, as provided in Section 19(l) of the Act.
- The respondent shall pay \$ -0- 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 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.


Arbitrator Peter Akemann

February 1, 2010

FEB 4 2010

The instant case was consolidated with case number 06WC 36734 alleging a date of accident of December 12/13/2005, and additionally with case number 06WC 47604, alleging a date of accident of 12/20/2005. Separate decisions are issued for each case.

In support of the arbitrator's findings under (C) Accident and (F) Causal Connection; the arbitrator finds the following facts:

In 1979, petitioner testified that he began working for respondent as a Jig Bore Operator. He testified that he worked in this capacity through March 1984 and spent 40% of his workday pushing, pulling, gripping and lifting with his hands. From 1984 through 1996, petitioner testified that he worked as a Program Machine Line (PML) Inspector using tools of various sizes and parts weighing 10 to 100 pounds. Petitioner testified that he used wrenches, screwdrivers and set up tools and 70% of his workday required pushing, pulling, gripping or lifting with his hands and arms.

In 1989, petitioner testified that part of his work duties changed and he became involved in company union activities when he was elected as recording secretary. Petitioner testified that half of his work week was spent in the plant as a PML Inspector and half of his work week was spent on company union duties, which required using a keyboard and performing typing activities 15-20 hours per week.

In 1996, petitioner testified he became a Line Surface Plate Inspector in the plant and he would spend 25-30 hours per week in the plant inspecting parts, which required lifting 15-40 parts per shift, weighing anywhere from 15-70 pounds. Petitioner testified that 70% of his plant activities included pushing, pulling, gripping and lifting with his hands and arms while performing his Inspector duties. During the same time frame, petitioner testified that he spent 15-30 hours per week performing his company union duties, which involved addressing company issues, employee concerns, as well as quality-control issues with a significant amount of keyboard and typing activities.

In 2000, petitioner testified that he became a full-time company union president and continued to get paid his normal wages from respondent while working on the company union issues. Petitioner testified that he continued performing keyboard, mouse and typing activities with his hands and arms approximately 20 hours per week. In August 2005, petitioner testified that he returned as a full-time Line & Surface Inspector in the plant and was required to handle 30-40 housing per day weighing 15-30 pounds and continued pushing, pulling, gripping and lifting activities with his hands and arms throughout the workday. Petitioner testified that he continued to work as an Inspector through December 2005 at which time he reported his hand symptomology.

Both parties offered respondent's job description as a Line & Service Plate Inspection position. (Pet. Ex. 7 and Res. Ex. 4) According to the job description, the Inspector position required frequent wrist turning with both hands, frequent grasping with both hands, frequent reaching with both arms, occasional fine manipulation of both hands, occasional lifting and carrying between 25-50 pounds, occasional pushing and pulling up to 200 pounds, and use of hand tools, air tools, computers and fork trucks. (Id)

PREVIOUS MEDICAL HISTORY

Petitioner testified that prior to December 13, 2005, he had hand symptoms. Petitioner testified that his treatment dated back to 1993, and he also had symptoms and treatment in 2001, the early part of 2002, as well as January 2005. On January 12, 2005, petitioner underwent a nerve conduction test that revealed that the motor conduction velocities were normal bilaterally and the EMG did not show any evidence of denervation potentials. (Res. Ex. 6, Pet. Ex. 1) On February 11, 2005, Dr. Danaher diagnosed a history of numbness in both hands with EMG showing possible early carpal tunnel syndrome. (Id) The doctor noted that with the "paucity of his symptoms" he would not recommend surgery and the doctor noted that his symptoms had "cleared." (Id)

The doctor noted that petitioner was no longer having pain at that time and during the physical examination found a negative Tinel's sign as well as a negative Phalen's test, bilaterally. (Res. Ex. 6, Pet. Ex. 1) The doctor concluded this was "not consistent with carpal tunnel syndrome" and released petitioner from care for his hands and arms. (Id)

Between February 2005 and December 13, 2005, petitioner testified that he worked without restrictions, did not require treatment for his hands or arms, and did not require any medication. Petitioner testified he continued to work full duty for respondent until he developed and reported his hand problems in December 2005. He testified that he treated from December 2005 through May 2006 and was released full duty without restrictions, medications or any follow up appointments. Petitioner testified that his hand conditions were stable with only occasional problems.

On December 13, 2005, petitioner testified that he complained of right thumb and hand complaints to respondent. According to respondent's investigation report, petitioner complained of right thumb pain on December 13, 2005 from picking up and etching parts at work. (Pet. Ex. 1) In respondent's Accident Report dated December 14, 2005, respondent documented that petitioner was performing his tasks as a Line Surface Plate Inspector and began to notice discomfort in his right hand from carrying parts from his work bench and using an etching pencil for marking parts. Petitioner noted in the report that the more he used his right hand the more painful it became. (Id)

On December 14, 2005, petitioner testified that he was referred by respondent to Physicians Immediate Care, the company clinic. According to the medical records, Petitioner complained of right thumb pain with a date of injury of December 13, 2005. (Pet. Ex. 2) Petitioner was diagnosed with right thumb tenosynovitis and the company medical record notes that "[t]his case would be considered OSHA recordable." (Id) The December 14, 2005 itemized billing statement labeled the visit as "Work Comp". Petitioner was provided work restrictions of avoiding strong gripping/torquing with the right hand. Petitioner testified that he continued working in his normal capacity and because of the right hand pain, he began overusing his left hand to perform his job duties. (Id)

On December 21, 2005, petitioner was referred by respondent to Physicians Immediate Care, the company clinic. (Pet. Ex. 2) The arbitrator notes that according to the medical records, petitioner suffered from paresthesias in both hands and was diagnosed with bilateral carpal tunnel syndrome. The December 21, 2005 itemized billing statements from Physicians Immediate Care labeled the visit as "Work Comp". (Pet. Ex. 2)

Petitioner testified that he continued to treat at Physicians Immediate Care through April 2006, was diagnosed with bilateral carpal tunnel syndrome, as well as left lateral epicondylitis, and underwent physical therapy for his hands. (Pet. Ex. 2)

On April 19, 2006, Petitioner testified that he was seen by Dr. Carroll, at the respondent's request, for a Section 12 examination. Dr. Carroll testified that Petitioner suffered from bilateral carpal tunnel syndrome, left lateral epicondylitis, right thumb osteoarthritis, degenerative in nature and opined that none of the conditions were caused or aggravated by his work activities. (Res. Ex. 9) Dr. Carroll found maximum medical improvement was expected within 6-12 months and he recommended conservative care. (Id) Dr. Carroll noted that a videotape analysis would be appropriate to look at the petitioner's work activities. He subsequently testified that he received and reviewed the videotape and that it did not change his opinion. However, Dr. Carroll admitted at his deposition that neither the insurance company nor the respondent ever provided him information concerning the petitioner's typing and keyboard activities and he was unaware of those work activities. (Res. Ex. 9, pages 34 and 35) Moreover, the doctor admitted that he was not made aware of what the petitioner was required to grasp at work, what air tools he used at work, the postures or frequency of petitioner's hands while performing his job duties, nor any specifics with reference to petitioner's hand activities at work leading up to his diagnosis of carpal tunnel syndrome. (Id, pages 39, 40, and 41)

On May 26, 2006, Petitioner testified that he was last seen at Physicians Immediate Care. According to the medical records, Dr. Buzzard at Physicians Immediate Care indicated that Petitioner "pretty much maxed out on medical management". (Pet. Ex. 2) He was released to work full duty. (Id)

On May 26, 2006, Petitioner testified that he was last seen at Physicians Immediate Care. According to the medical records, Dr. Buzzard at Physicians Immediate Care indicated that Petitioner "pretty much maxed out on medical management". (Pet. Ex. 2) He was released to work full duty. (Id)

In October 2006, petitioner testified he was transferred to the Actuation Department as an Inspector. Petitioner testified that his hands remained stable with only periodic numbness and tingling. Petitioner testified that he continued to have no plans for follow up treatment on his hands and arms.

On October 9, 2006, petitioner testified that he began detrashing for respondent. Petitioner testified that it was very strenuous work with his hands and arms, which required opening boxes which were heavily taped, and inspecting parts. Petitioner testified he used an Exacto knife to open the boxes, unraveled thick packing tape to remove the items and inspected the parts. Petitioner testified that smaller boxes were actually packaged in larger boxes and he was required to open 50-75 boxes per shift to inspect the parts. Petitioner testified that he worked next to a coworker, Sean Gregory.

Petitioner testified that he continued detrashing for several weeks and noticed significant worsening of his hand and elbow symptoms on October 22, 2006. Respondent's Medical Pass/Investigation Report notes an injury date was October 22, 2006 and indicates that petitioner was detrashing boxes (i.e., tearing open, unpacking, etc.) and his wrists and elbows began to feel a strain about a week later. (Pet. Ex. 1, Res. Ex. 3) The report notes that petitioner tried changing hands for cutting, and wearing a hand brace, and he noticed on Sunday morning that his wrist was cramping and he was unable to close his right hand. (Id) Petitioner testified he worked on that Sunday performing detrashing. The report also indicates diagnoses of right hand/elbow pain and left hand/elbow pain and numbness and indicated that his supervisor was notified. Petitioner testified that his normal supervisor, Gary Dobbs, was out of town during this time so he reported this to a different supervisor, Jeff Aronson. Aronson's name appears on the report dated October 26, 2006. (Id)

On October 30, 2006, petitioner testified that he saw Dr. Carlson. According to Dr. Carlson's treating records, petitioner presented a new problem concerning bilateral hand symptomology and the doctor noted that the petitioner worked as an Inspector performing repetitive activities including cutting open boxes and detrashing. (Pet. Ex. 4) Dr. Carlson diagnosed bilateral carpal tunnel syndrome and cubital tunnel syndrome. (Id) The following day, petitioner underwent a nerve conduction test and Dr. Carlson recommended surgery to both hands and both elbows. (Id) On November 1, 2006, Dr. Carlson opined that petitioner's carpal tunnel syndrome and cubital tunnel syndrome conditions, bilaterally, were the result of repetitive use of both hands at his current job of detrashing. (Id)

On December 22, 2006, petitioner testified that he saw Dr. Carroll for a second time. Thereafter, petitioner testified that he attempted to schedule surgery to his upper extremities but developed an unrelated right knee problem, which required immediate treatment. Following treatment to his right knee, petitioner testified that he followed up for treatment on his upper extremities.

On May 9, 2008, Dr. Carlson's medical records indicate that petitioner underwent a left ulnar nerve transposition, on June 24, 2008, petitioner underwent a left carpal tunnel release, on September 2, 2008, petitioner underwent a right ulnar nerve transposition, and on September 18, 2008, petitioner underwent a right carpal tunnel release. (Pet. Ex. 4)

On January 12, 2009, petitioner was released from Dr. Carlson's care. Dr. Carlson noted that petitioner could use his right hand as tolerated. (Pet. Ex. 4) Petitioner testified he returned to work full duty.

On April 22, 2009, petitioner was examined by Dr. Jeffrey Coe at petitioner's attorney's request pursuant to Section 12. Based upon a hypothetical question incorporating the petitioner's job duties, Dr. Coe opined based upon a reasonable degree of medical certainty that there was a causal relationship between petitioner's work activities and his carpal tunnel and cubital tunnel conditions and surgeries. (Pet. Ex. 5, pages 23-26)

The respondent offered into evidence a DVD disk of the detrashing activities. Petitioner testified that this was an accurate depiction of the detrashing duties he performed in October 2006 with the exception of the particular box on the DVD being smaller than most boxes he worked on, the employee on the DVD working at a slower pace than his pace, and the DVD failed to show the thick packing tape that was wrapped around the parts. (Res. Ex. 10)

Petitioner testified that he is right-hand dominant. He testified that his hand and elbow symptomology was significantly worsened and became constant and severe while performing the detrashing duties in October 2006.

Sean Gregory testified on behalf of petitioner. Gregory testified that he was subpoenaed to testify in court and has worked for the respondent for 31 years. In October 2006, Gregory testified that he worked in Actuation with petitioner. Gregory testified that petitioner took the place of Mr. Jerry Black as an Inspector in Actuation and the Inspectors worked approximately 10 hours a day, seven days a week back then. Gregory testified that he worked directly next to petitioner. Gregory testified that there were 8 to 32 parts to a box in detrashing and petitioner was assigned detrashing duties in October 2006. According to Gregory, in detrashing, petitioner would have to open and unpack the boxes by hand, which was very physical and difficult to do. Gregory testified that the parts were packed and repacked into boxes and packed tight making it difficult to take out the parts. Moreover, Gregory testified that parts were over wrapped and over taped and he stated he did not like detrashing because it was such a demanding job. Gregory stated that petitioner detrashed at work consistently throughout the workday from October 9, 2006 through October 22, 2006. Gregory testified that he viewed the DVD and noted it was fairly accurate of the detrashing job petitioner performed.

Gary Dobbs testified for respondent. Dobbs testified that he was petitioner's supervisor in October 2006. Dobbs did not recall if he was traveling in October 2006 although he did admit that he was not available on October 22, 2006, when petitioner reported the accident. Dobbs testified that he went to Singapore periodically in 2006 but had no recollection or information as to whether he was in town or out of town back then. Dobbs testified that petitioner could not have opened a significant number of boxes in October 2006 because there was a total 538 boxes received that month and there were five Inspectors. Dobbs testified that each inspector would have opened up 17 boxes daily if the detrashing activities were evenly divided and petitioner could not have detrashed more than one hour per day. On cross-examination, Dobbs testified that he did not know who opened up the boxes, agreed that a particular inspector may have opened up more boxes than other inspectors, and admitted that his investigation was conducted in March 2007, six months after the reported accident. (Res. Ex. 11) Dobbs also acknowledged that the other activities performed by Inspectors included frequent grasping, frequent wrist turning, and the use of numerous hand tools and air tools.

Mike Stephen Penn also testified on behalf of respondent. Penn testified that he was the petitioner's supervisor from August 2005 through December 2005. He testified that he was the supervisor in the Mixed Model Cell Department 568. Penn testified that the weight of the parts handled by Inspectors was 5 to 20 pounds and Inspectors would handle 12 to 15 parts per day. On cross-examination, Penn viewed the job description of a Line & Surface Plate Inspector and agreed that the job includes frequent hand grasping, wrist turning, reaching out with both hands/arms and the use of various hand tools and air tools in performing the job functions.

ANALYSIS

After reviewing all of the testimonial and documentary evidence presented, the arbitrator concludes that the petitioner aggravated his bilateral hand and elbow conditions while performing the detrashing duties in October 2006, which manifested itself on October 22, 2006.

The arbitrator finds the opinion of the petitioner's treating physician Dr. Carlson and evaluating physician Dr. Coe persuasive.

The arbitrator concludes that the bilateral hand and elbow conditions were further aggravated by the work activities, which were repetitive in nature. The arbitrator notes that the DVD depicts the repetitive nature of the detrashing activities.

The arbitrator finds that the petitioner sustained a repetitive trauma injury arising out of and in the course of his employment with respondent.

The arbitrator finds that the petitioner's condition of ill-being, that being bi-lateral carpal tunnel syndrome and b-lateral cubital tunnel syndrome, are causally related to his work related injury of 10/22/2006.

In support of the arbitrator's findings under (J) Medical Bills: the arbitrator finds the following facts:

The respondent responsibility for the medical bills based on liability. Having found for the petitioner under accident and causal connection, the arbitrator awards these bills. The arbitrator awards paid out-of-pocket by petitioner to Dr. Carlson totaling \$27.00 as well as the prescriptions in the amount of \$280.00

The arbitrator finds that the respondent shall pay the further sum of \$ 307.00 for necessary medical services, as provided in Section 8(a) of the Act.

In support of the arbitrator's findings under (K) Temporary Total Disability: the arbitrator finds the following facts:

The parties agree that the petitioner was off work from May 9, 2008 through July 27, 2008 and again from September 2, 2008 through November 6, 2008 and the sole issue pertained to causation/liability. After finding that the petitioner's bilateral carpal tunnel and cubital tunnel conditions were work-related, the arbitrator awards this period of disability.

The arbitrator finds that the respondent shall pay the petitioner temporary total disability benefits of \$ 849.49 per week for 20.6 weeks, beginning 05/09/2008 through and including July 27, 2008; then again beginning 09/02/2008 through and including 11/06/2008; which is the period of temporary total disability for which compensation is payable under Section 8(b) of the Act. The respondent is entitled to a credit for \$12,526.87 in group, non-occupational disability benefits paid for this period of time. The respondent shall hold the petitioner safe and harmless for such payments to the extent of such credit pursuant to Section 8(j) of the Act.

In support of the arbitrator's findings under (L) Nature and Extent: the arbitrator finds the following facts:

The arbitrator concludes that the petitioner underwent bilateral carpal tunnel releases as well as bilateral cubital tunnel transpositions. Petitioner testified as to his ongoing problems, which includes muscle pain in both hands as well as ongoing pain in his forearms. Petitioner continues to have weakness in both hands and arms and periodic numbness. Dr. Coe found that the Tinel sign remained somewhat "positive" bilaterally with localized tingling in the tips of his fingers with a loss of grip strength in his right dominant hand/arm.

The arbitrator finds that the respondent shall pay the petitioner the sum of \$ 619.97 per week for a further period of 148.850 weeks, as provided in Section 8(e) of the Act, because the injuries sustained caused a 17.5% loss of use of the petitioner's right arm, a 15% loss of use of the petitioner's left arm, a 17.5% loss of use of the petitioner's right hand, and a 15% loss of use of the petitioner's left hand.

In support of the arbitrator's findings under (O) Statute of Limitations; the arbitrator finds the following facts:

The respondent argues that it is clear from the medical records that the petitioner had a pre-existing condition of symptomatic bilateral carpal tunnel syndrome prior to the alleged injury on 10-22-06.

The arbitrator concludes that, while it is clear that the petitioner had medical treatment in 2001 and then again in January 2005, no physician had related such conditions to a work related activity or prescribed a specific course of medical treatment. Therefore, the arbitrator concludes that petitioner's claim is not barred by Statute.

The arbitrator finds that the petitioner's claim is not barred by the Statute of Limitations.