

STATE OF ILLINOIS       )  
                                      ) SS.  
COUNTY OF PEORIA       )

<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

Donna Echols,  
Petitioner,

**09IWCC0827**

vs.

NO: 05WC 15243  
05WC 15253

Methodist Medical Center,  
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, prospective medical, permanent partial disability, and being advised of the facts and law, modifies the Decision of the Arbitrator as stated below and otherwise affirms and adopts the Decision of the Arbitrator, which is attached hereto and made a part hereof.

The Commission modifies the Arbitrator's Decision, decreasing Petitioner's loss of use of the right hand from 15% to 12.5%, loss of use of the left hand from 15% to 12.5%, loss of use of the right arm from 15% to 12.5%, and loss of use left arm from 15% to 12.5% pursuant to Section 8(e) of the Act. All else is affirmed and adopted.

IT IS THEREFORE ORDERED BY THE COMMISSION that Respondent pay to Petitioner the sum of \$274.40 per week for a period of 10 weeks, that being 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 \$246.96 per week for a period of 106.26 weeks, as provided in §8(e) of the Act, for the reason that the injuries sustained caused the 12.5% loss of use of the right hand (23.75), 12% loss of the left hand (23.75), and 12% loss of use of the right arm (29.38), 12% loss of use left arm (29.38).

**09IWCC0827**

IT IS FURTHER ORDERED BY THE COMMISSION that Respondent pay to Petitioner the sum of \$34,059.33 for medical expenses under §8(a) of the Act.

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 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 \$63,000.00. 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: AUG 6 2009  
o073009  
JFD/jrc  
052

  
James E. DeMunno  
Mario Basurto  
David L. Gore

## NOTICE OF ARBITRATOR DECISION

140307180

09IWCC0827

**ECHOLS, DONNA**

Employee/Petitioner

Case# **05WC015243****METHODIST MEDICAL CENTER**

Employer/Respondent

On 03/06/2008, 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 1.81% 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:

JAY H JANSSEN  
333 MAIN ST  
JANSSEN LAW CENTER  
PEORIA, IL 61602

1337 KNELL & KELLY LLC  
504 FAYETTE  
PEORIA, IL 61603

**ILLINOIS WORKERS' COMPENSATION COMMISSION  
ARBITRATION DECISION****Donna Echols**

Employee/Petitioner

Case # **05** WC **15243**

v.

**Methodist Medical Center**

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 **Neva Neal**, arbitrator of the Commission, in the city of **Peoria, IL**, on **February 20, 2008**. 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

- On Oct. 28, 2004, the respondent Methodist Medical Center <sup>was</sup> **091WCC0827** operating under and subject to the provisions of the Act.
- On this date, an employee-employer relationship <sup>2004</sup> **did** exist between the petitioner and respondent.
- On this date, the petitioner **did** sustain 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 \$ 21,403.20; the average weekly wage was \$ 411.60.
- At the time of injury, the petitioner was 41 years of age, **married** with 1 children under 18.
- Necessary medical services **have not** been provided by the respondent.
- To date, \$ 0.00 has been paid by the respondent for TTD and/or maintenance benefits.

## ORDER

- The respondent shall pay the petitioner temporary total disability benefits of \$ 274.40/week for 10 weeks, from Nov. 8, 2005 to Dec. 5, 2005 through Jan. 17, 2006 to Feb. 27, 2006, which is the period of temporary total disability for which compensation is payable.
- The respondent shall pay the petitioner the sum of \$ 246.96/week for a further period of 127.5 weeks, as provided in Section 8(d) of the Act, because the injuries sustained caused 15% loss of use of the right hand(28.5), 15% loss of use of the left hand(28.5), and 15% loss of use of the right arm(35.25), 15% loss of use left arm(35.25).
- The respondent shall pay the petitioner compensation that has accrued from Nov. 8, 2005 through Feb. 27, 2006, and shall pay the remainder of the award, if any, in weekly payments.
- The respondent shall pay the further sum of \$ 34,059.33 for necessary medical services, as provided in Section 8(a) of the Act.
- The respondent shall pay \$ \_\_\_\_\_ in penalties, as provided in Section 19(k) of the Act.
- The respondent shall pay \$ \_\_\_\_\_ in penalties, as provided in Section 19(l) of the Act.
- The respondent shall pay \$ \_\_\_\_\_ 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 1.81 % 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.

*Awa Neal*

*2/4/00*

MAR 6 2008

STATE OF ILLINOIS )  
COUNTY OF PEORIA )

09IWCC 0827

ILLINOIS WORKERS' COMPENSATION COMMISSION  
ARBITRATION DECISION

Donna Echols )  
Employee/Petitioner )

v. )

Case # 05 WC 15243

Methodist Medical Center )  
Employer/Respondent )

Applications for adjustment of claim were filed in this matter, and Notice of Hearing was mailed to each party. The matter was heard by the Honorable Neva Neal, arbitrator of the Workers' Compensation Commission, in the city of Peoria, on February 20, 2008. After reviewing all of the evidence presented, the arbitrator hereby makes findings on the disputed issues circled below, and attaches those findings to this document.

IN SUPPORT OF THE ARBITRATOR'S MEMORANDUM OF DECISION, THE  
ARBITRATOR FINDS THE FOLLOWING:

- (C.) Did an accident occur that arose out of and in the course of the petitioner's employment by the respondent?
- (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?
- (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 injury?
- (N.) Is the respondent do any credit?

(C.) Did an accident occur that arose out of and in the course of petitioner's employment by the respondent?

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1100 00 W 100  
Petitioner was employed by Methodist Medical Center during the relevant period as a housekeeper in the environmental services department.

09IWCC0827

Petitioner testified that she began experiencing symptoms in her right hand and arm on or about October 28, 2004. Petitioner also testified that she began experiencing symptoms in her left hand on or about December 30, 2004. Petitioner additionally testified that she was not diagnosed with carpal tunnel syndrome and cubital tunnel syndrome in a right extremity and carpal tunnel syndrome in the left-hand until January, 2005.

Dr. Ronald Palmer, M.D., petitioner's treating surgeon, testified that the symptoms of the petitioner were aggravated by work activities and brought her to need medical treatment. His opinion was based upon the history given to him by petitioner.

Dr. Robert R. Schenck, M.D., respondent's medical examiner, testified that petitioner had clinical symptoms consistent with bilateral cubital tunnel syndrome and medial epicondylitis. Dr. Schenck testified that the petitioner's symptoms were not related to her work activities. Dr. Schenck testified that the basis of his opinion was "her work duties as described and observed in the video job analysis...."

At trial, Petitioner testified that the video that Dr. Schenck relied upon did not depict her job at the time her symptoms arose. Specifically, petitioner testified that she had been performing emergency-room cleaning tasks from approximately February 2004 until approximately January 2005. The video depicted the cleaning tasks of a person cleaning patient rooms and waiting areas.

Respondent presented as evidence the testimony of Robert Folck, manager of environmental services of the respondent that confirmed that the video in question did not depict cleaning of emergency rooms. Mr. Folck testified that cleaning of patient rooms and emergency rooms were both general cleaning. When asked whether emergency-room cleaning entailed more hard-surface scrubbing, Mr. Folck answered that the emergency-room cleaning job was general cleaning.

Petitioner testified that emergency-room cleaning entailed more circular movement of the upper extremities for scrubbing of hard services.

The Arbitrator finds the testimony of Dr. Palmer more persuasive than Dr. Schenck. The Arbitrator also finds that the testimony of Robert Folck was too general and vague to dispute the specific testimony of the petitioner regarding her job activities in emergency-room cleaning.

Accordingly, the Arbitrator finds that the petitioner's injuries did arise out of and in the course of petitioner's employment by the respondent.

(E.) Was timely notice of the accident given to the respondent?

Respondent disputes that it was given notice of the accident for the claim arising out of complaints occurring on or about December 30, 2004.

Petitioner testified that in early January 2005 she gave notice to Joe Vanderheid, the second shift supervisor.

Robert Folck, manager of environment services of the respondent, testified that he had no recollection of notice of the December 2004 complaints of the petitioner. However, on cross examination, Mr. Folck did recall being told several times by Joe Vanderheid of petitioner's complaints.

The Arbitrator finds that timely notice of the injury was given to the respondent.

(F.) Is the petitioner's condition of ill being causally related to the injury?

Conflicting medical evidence was presented by the petitioner and respondent as to causation..

Specifically, Dr. Ronald Palmer, petitioner's treating physician, testified that it was his opinion to reasonable degree of medical certainty, that petitioner's condition was causally related to her work for the respondent. The basis of Dr. Palmer's opinion is petitioner's history, including his understanding that activities as a housekeeper caused her to do "continuous circular type motions."

Several times during her testimony, petitioner described the nature of her work when she cleaned emergency rooms and gestured circular motions when talking about scrubbing hard surfaces - which she described as being the key difference between the work she actually performed and the work depicted in a videotape of a housekeeper cleaning patient rooms.

Dr. Robert R. Schenck, respondent's medical examiner, testified it was his opinion to reasonable degree of medical certainty, that petitioner's condition was not causally related to her work for the respondent. In testimony, Dr. Schenck, stated in response to a question on the basis of his opinions on the aggravation and cause of petitioner's complaints: "the work duties as described and observed in the video job analysis included a variety of housekeeping tasks that involve general hand and arm movements. It did not involve repeated or forceful elbow flexion and extension of resisted movements of forearm pronation or supination. And I concluded from this that her conditions of cubital tunnel syndrome and medial epicondylitis... are not related to her work duties, either causally or aggravation wise".

As stated in the earlier subsection of this decision, the video job analysis did not depict petitioner's job at the time her complaints arose. Dr. Schenck, therefore, had based his opinion upon a depiction of petitioner's work responsibilities and activities that do not relate to her actual work activities.



Further support of the Arbitrator's finding is the testimony of respondent's witness, Robert Folck, who testified that cleaning patient rooms entailed more variety of activity than the emergency-room cleaning job. Robert Folck also admitted that the videotape did not show the complete cleaning of a patient room, but rather depicted various motions involved in the job.

Petitioner additionally testified that the work as depicted in the videotape was not complete.

The Arbitrator, after reviewing the videotape entered into evidence, also finds that the work as depicted does not show completion of repetitive type work activities such as hard-surface cleaning and scrubbing.

Accordingly, the Arbitrator finds that the petitioner's condition of ill being was causally related to her work injury.

(J.) Were the medical services that were provided to petitioner reasonable and necessary?

Petitioner's Exhibit 1 shows that the Respondent's group health plan paid \$30,318.23 of \$34,059.33 total medical bills, the remainder of which was petitioner's co-pay. Paid medical bills are *prima facie* reasonable. Arthur v. Catour, 216 Ill.2d 72, 82; 833 N.E.2d 847, 853 (2005) (citing Flynn v. Cusentino, 59 Ill.App.3d 262, 266 375 N.E.2d 433, 436 (1978)). Additionally, Dr. Ronald Palmer testified that the course of treatment rendered was the course of treatment he recommended, thereby establishing necessity of treatment. Respondent presented no evidence countering the *prima facie* reasonableness of the medical bills. Accordingly, the Arbitrator finds that the medical bills in question are both reasonable and necessary.

(K.) What amount of compensation is due for temporary total disability?

Petitioner testified that she was off work from November 8, 2005 to February 27, 2006, a period of 16 weeks.

Dr. Ronald Palmer, petitioner's surgeon, testified that the Petitioner could work light duty from Dec. 5, 2005 till her second surgeries on Jan. 17, 2006. The Respondent has light duty.

The Arbitrator finds that petitioner is owed 10 weeks of temporary total disability. Petitioner's average weekly wage for the relevant period is \$411.60. The temporary total disability rate from this average weekly wage is \$274.40.

(L.) What is the nature and extent of the injury?

Dr. Ronald Palmer, petitioner's treating surgeon, diagnosed the petitioner's symptoms as

bilateral carpal and cubital tunnel syndrome. His basis for the diagnosis, were his findings of a positive Phalen's sign, a positive Tinel's sign at the cubital tunnel and a positive flexion sign. Dr. Palmer also testified underwent EMG testing with findings consistent with carpal tunnel syndrome. On November 8, 2005, Dr. Palmer performed a right endoscopic carpal tunnel release and the right anterior transposition of the ulnar nerve at the elbow. On January 18, 2006, Dr. Palmer performed a endoscopic carpal tunnel release on petitioner's left-hand. Dr. Palmer testified that he released the petitioner from care on April 11, 2006.

At trial, petitioner testified that the procedures performed by Dr. Palmer relieved her of her complaints that arose in October of 2004 and December 2004. Petitioner also testified that, except for the surgical scars, she currently feels as good in her upper extremities as she did before her complaints arose in 2004.

Dr. Robert R. Schenck, respondent's medical examiner, diagnosed the petitioner as having clinical symptoms consistent with bilateral cubital tunnel syndrome and medial epicondylitis. He also testified there was a "mild motor delay across the median nerve" consistent with carpal tunnel syndrome. He did not diagnose the petitioner as having carpal tunnel syndrome in the left hand.

Additionally, the Arbitrator has earlier found that the petitioner's injuries were causally related to her work for the Respondent and the respondent is now found liable for the same.

The Arbitrator finds that the nature and extent of petitioner's injury was bilateral carpal tunnel syndrome and cubital tunnel syndrome in the right arm, conditions that were successfully treated by procedures performed by Dr. Palmer.

(M.) Is the respondent due any credit?

Respondent claims that it paid nonoccupational disability benefits that appear in Respondent's Exhibit 2. Respondent also claims that it paid out medical bills through its group medical plan.

Petitioner does not challenge that the respondent is entitled to a credit under Section 8 (j) of the Workers' Compensation Act.

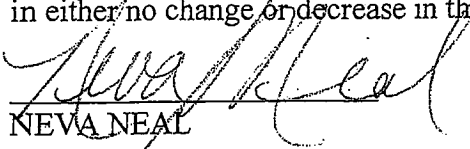
#### RULES REGARDING APPEALS

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#### STATEMENT OF INTEREST RATE

09IWCC0827

If this award is reviewed by the Commission, interest of \_\_\_\_\_% 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 decrease in this award, interest shall not accrue.



NEVA NEAL  
Arbitrator

ILLINOIS WORKERS' COMPENSATION COMMISSION  
NOTICE OF ARBITRATOR DECISION

05WC015253

09IWCC0827

ECHOLS, DONNA

Employee/Petitioner

Case# 05WC015253

METHODIST MEDICAL CENTER

Employer/Respondent

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

JAY H JANSSEN  
333 MAIN ST  
JANSSEN LAW CENTER  
PEORIA, IL 61602

1337 KNELL & KELLY LLC  
504 FAYETTE  
PEORIA, IL 61603

STATE OF ILLINOIS

COUNTY OF Peoria

09IWCC0827

ILLINOIS WORKERS' COMPENSATION COMMISSION  
ARBITRATION DECISION

**Donna Echols**

Employee/Petitioner

Case # 05 WC 15253

v.

**Methodist Medical Center**

Employer/Respondent

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**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?
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- 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

- On **Dec. 30, 2004**, the respondent **Methodist Medical Center** <sup>was</sup> operating under and subject to the provisions of the Act. **09IWCC0827**
- On this date, an employee-employer relationship **did** exist between the petitioner and respondent.
- On this date, the petitioner **did** sustain 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 \$ **21,403.20** ; the average weekly wage was \$ **411.60** .
- At the time of injury, the petitioner was **41** years of age, **married** with **1** children under 18.
- Necessary medical services **have not** been provided by the respondent.
- To date, \$ **0.00** has been paid by the respondent for TTD and/or maintenance benefits.

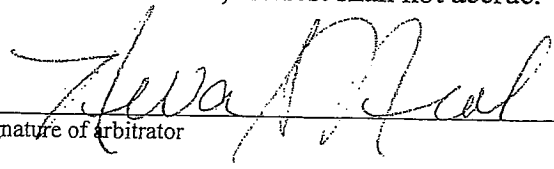
## ORDER

- The respondent shall pay the petitioner temporary total disability benefits of \$ \_\_\_\_/week for \_\_\_\_ weeks, from \_\_\_\_ through \_\_\_\_, which is the period of temporary total disability for which compensation is payable.
- The respondent shall pay the petitioner the sum of \$ \_\_\_\_/week for a further period of \_\_\_\_ weeks, as provided in Section \_\_\_\_ of the Act, because the injuries sustained caused \_\_\_\_.
- The respondent shall pay the petitioner compensation that has accrued from \_\_\_\_ through \_\_\_\_, and shall pay the remainder of the award, if any, in weekly payments.
- The respondent shall pay the further sum of \$ \_\_\_\_ for necessary medical services, as provided in Section 8(a) of the Act.
- The respondent shall pay \$ \_\_\_\_ in penalties, as provided in Section 19(k) of the Act.
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- The respondent shall pay \$ \_\_\_\_ in attorneys' fees, as provided in Section 16 of the Act.

**See companion case 05 WC 15243 for Arbitrator's findings and order, covering both injuries.**

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Signature of arbitrator

**1-81**  
**3/4/08**  
Date

STATE OF ILLINOIS  
COUNTY OF PEORIA

09IWCC0827

ILLINOIS WORKERS' COMPENSATION COMMISSION  
ARBITRATION DECISION

Donna Echols  
Employee/Petitioner

v.

Methodist Medical Center  
Employer/Respondent

Case # 05 WC 15253

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RULES REGARDING APPEALS

09IWCC0827

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NEVA NEAL  
Arbitrator