

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

Patricia D. Denton,
 Petitioner,

vs.

NO: 07WC 15654

Olin Corporation,
 Respondent,

10IWCC1082

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 causal connection, nature and extent 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 April 8, 2010 is hereby affirmed and adopted.

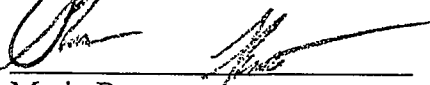
IT IS FURTHER ORDERED BY THE COMMISSION that the Respondent pay to Petitioner interest under §19(n) of the Act, if any.

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.

Bond for removal of this cause to the Circuit Court by Respondent is hereby fixed at the sum of \$55,000.00. 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: NOV 1 2010
 o102710
 JFD/jrc
 052


 James F. DeMunno


 Mario Basurto


 David L. Gore

ILLINOIS WORKERS' COMPENSATION COMMISSION
NOTICE OF ARBITRATOR DECISION

DENTON, PATRICIA D

Employee/Petitioner

Case# 07WC015654

OLIN

Employer/Respondent

10IWCC1082

On 4/8/2010, 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 0.26% 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:

JOSEPH HOFERT
1600 WASHINGTON AVE
ALTON, IL 62002

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

STATE OF ILLINOIS)

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

**ILLINOIS WORKERS' COMPENSATION COMMISSION
ARBITRATION DECISION
NATURE AND EXTENT ONLY**

PATRICIA D. DENTON

Employee/Petitioner

Case # **07** WC **15654**

v.

Consolidated cases: **N/A****OLIN**

Employer/Respondent

The only disputed issue is the nature and extent of the injury. 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 **03/23/10**. By stipulation, the parties agree:

On the date of accident, **OLIN**, Respondent was operating under and subject to the provisions of the Act.

On this date, the relationship of employee and employer did exist between Petitioner and Respondent.

On this date, Petitioner sustained 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 **\$41,870.36**, and the average weekly wage was **\$805.20**.

At the time of injury, Petitioner was **52** years of age, *single* with **0** dependent children.

Necessary medical services and temporary compensation benefits have been provided by Respondent.

The Arbitrator finds the following facts;

Petitioner has worked in quality control in the metallic lab for Respondent for 25 years. She is right hand dominant. She had a prior bilateral carpal tunnel case for which she received 17 ½% loss of each hand in case 02 WC 58211.

On 9/27/05 she was doing a drop test on an ammo cartridge when it exploded. She sustained injuries to both elbows. She continued working but her symptoms became progressively worse. Respondent sent her to be treated by Dr. Brown, a hand surgeon, who she saw initially on 10/2/06. He prescribed a thumb splint and NSAIDS. EMG/NCS revealed bilateral ulnar neuropathies at the elbows but was negative for recurrent carpal tunnel. Dr. Brown prescribed elbow splints and elbow pads to be worn at night. MRI of the right wrist revealed edema within the lunate and a cyst. A left wrist MRI was unremarkable. On 1/23/07 Dr. Brown recommended continued conservative care.

She treated with Dr. Vest, an orthopedic surgeon, from 1/10/08 through 10/20/09. Repeat EMG/NCS were unchanged from the earlier one, showing mild ulnar neuropathies across the elbows with no evidence of recurring carpal tunnel syndrome. Dr. Vest performed a right ulnar nerve decompression on 9/24/08 and a left ulnar nerve decompression on 10/15/08. When she last saw Dr. Vest on 10/20/09, Petitioner complained of pain and discomfort in both hands and wrists with some feeling of tingling and numbness involving all fingers. Dr. Vest concluded that she did not appear to have recurrent carpal tunnel syndrome. No further surgical treatment was recommended. He told her to continue regular duty and placed her at maximum medical improvement.

EMG/NCS of 4/7/09 study showed improvement in the ulnar nerve conduction values consistent with decompression with no evidence of recurrent carpal tunnel syndrome.

Petitioner was evaluated pursuant to Section 12 of the Act by Dr. Brown at Respondent's request on 2/23/10. (This Arbitrator questions the professional ethics of this practice and questions whether or not the patient/physician privilege is violated) Petitioner told Dr. Brown that the surgery on her left upper extremity helped. She still complained of some tingling in her fingers of the right hand and soreness in her elbows, mainly on the right. He concluded that her examination was negative for specific ongoing peripheral compression neuropathy such as carpal tunnel syndrome or recurrent ulnar neuropathy.

Petitioner testified that she is working full duty, including overtime. She takes over-the-counter Tylenol as needed. She said she does not work in her yard as much as she used to because her hands hurt. Her current complaints include: in the right hand, sharp pain around the wrist and in the palm of her hand, numbness in all four fingers and decreased strength; in the left hand, pain on the dorsum of the hand with occasional

numbness in her fingers; the right elbow, pain by the surgical incision and loss of strength; left elbow is not as much a problem as her right elbow. Petitioner testified that she did not have any of these symptoms after her prior carpal tunnel surgeries.

The parties stipulated that all TTD and medical benefits have been properly paid by Respondent.

Therefore the Arbitrator concludes;

1. As a result of her work injuries Petitioner has sustained permanent partial disability of 25% of the right arm and 20% of the left arm. Dr. Vest placed Petitioner at maximum medical improvement on 10/20/09.

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.

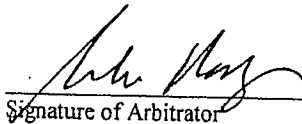
ORDER

Respondent shall pay Petitioner permanent partial disability benefits of **\$483.12/week** for **113.85** weeks, because the injuries sustained caused the **Petitioner 25% loss of the right arm and 20% of the left arm**, as provided in Section 8(e) of the Act.

Respondent shall pay Petitioner compensation that has accrued from **9/27/05** through **3/23/10**, and shall pay the remainder of the award, if any, in weekly payments.

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

4/6/10
Date

APR 8 2010