

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

Edgar Clothier,

Petitioner,

vs.

NO: 07 WC 1257

09IWCC0933

Olin Corp.,

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 issue of the nature and extent of Petitioner's 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 March 16, 2009, 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.

09IWCC0933

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: SEP 22 2009

BAS:yl

o 9/2/09

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Barbara A. Sherman

Paul W. Rink

Kevin W. Lamborn

NOTICE OF ARBITRATOR DECISION

CLOTHIER, EDGAR

Employee/Petitioner

Case# **07WC001257**

09IWCC0933

OLIN CORPORATION

Employer/Respondent

On 03/16/2009, 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 0.46% 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:

BROWN & BROWN
DAVID JEROME
5400 N ILLINOIS #101
FAIRVIEW HTS, IL 62208

0299 KEEFE & DEPAULI
GREGORY S KKEITNER
#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

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

Edgar Clothier
 Employee/Petitioner-

Case # 07 WC 1257

v.

Olin Corporation
 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 **2/27/09**. The only disputed issue is the nature and extent of the injury. By stipulation, the parties agree on the following items:

- On **8/14/06**, 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 \$ **55,950.68**, and the average weekly wage was \$ **1,075.97**.
- At the time of injury, the petitioner was **44** 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 \$ **717.31**/week for **4 2/7** weeks, from **10/4/07 through 10/14/07 and 12/26/07** through **11/14/07**, which is the period of temporary total disability for which compensation is payable.
- To date, \$ **3569.91** has been paid for TTD and/or maintenance benefits.

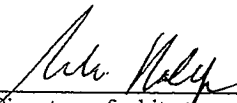
After reviewing all of the evidence presented, the arbitrator hereby makes findings regarding the nature and extent of the injury, and attaches the findings to this document.

ORDER

- The respondent shall pay the petitioner the sum of \$ 619.97/week for a further period of 183.2 weeks, as provided in Section 8(e) of the Act, because the injuries sustained caused 20% loss of each hand and 20% loss of each arm.
- The respondent shall pay the petitioner compensation that has accrued from 8/14/06 through 2/27/09 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

3/11/08

Date

MAR 16 2009

Edgar Clothier v. Olin Corporation
07 WC 1257

The Arbitrator finds the following facts:

This matter was previously heard before this Arbitrator on June 26, 2007 on Petitioner's Section 19(b) Petition. An Award was entered in favor of Petitioner for his work related carpal and cubital tunnel syndromes. That Award was not appealed and is a final Award.

Respondent authorized medical treatment with Dr. David Brown. Petitioner underwent surgery on 10/4/07 consisting of a right carpal tunnel release and right cubital tunnel release at the elbow. On 10/26/07, Petitioner underwent surgery consisting of a left carpal tunnel release and left cubital tunnel release at the elbow. Petitioner was released to full duty and released from care on 12/10/07.

Petitioner returned to work at his same position with Respondent. He testified that he continues to work for Respondent but notes ongoing problems with his hands and elbows. Petitioner is right hand dominant.

Petitioner testified that he has occasional numbness and tingling in all five fingers, especially when using certain tools at work such as hammers, wrenches, pliers, screwdrivers and hand shears. Petitioner testified that he especially notices the problems when he has to hammer down the metal edges on the rolls of metal or use pliers to pull the large sheets of metal through the rollers in the machines. He testified that although he continues to perform the same work activities, he must perform these activities for shorter durations and change hands frequently to reduce his symptoms. Petitioner has pain and cramping on the outer portion of his hands as well as in the web of his hand between his thumbs and index fingers. As a result of the numbness, tingling, pain, and cramping, he has difficulty with fine motor activities. He has problems threading nuts and bolts and holding a pen to write.

As it related to his elbows, Petitioner testified that the scar site of his right elbow remains numb. He testified that he continues to have problems lifting heavy objects due to decreased strength and pain in his elbows that radiates down his arms into his hands.

Therefore the Arbitrator concludes:

Petitioner has sustained the loss of 20% loss of use of the left hand, 20% loss of use of the right hand, 20% loss of use of the left arm and 20% loss of use of the right arm.