

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

Kevin Marks,  
Petitioner,

vs.

NO: 09WC 49018

**10IWCC0832**

Olin Corporation,  
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 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 February 16, 2010 is hereby affirmed and adopted.

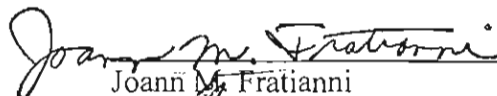
IT IS FURTHER ORDERED BY THE COMMISSION that the Respondent pay to Petitioner interest under §19(n) of the Act, if any.

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.

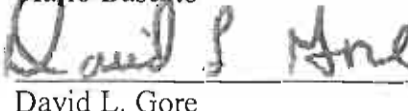
Bond for removal of this cause to the Circuit Court by Respondent is hereby fixed at the sum of \$75,000.00. The probable cost of the record to be filed as return to Summons is the sum of \$35.00, payable to the Illinois Workers' Compensation Commission in the form of cash, check or money order therefor and deposited with the Office of the Secretary of the Commission.

DATED: **AUG 31 2010**

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JF/jrc  
052

  
Joann M. Fratianni

  
Mario Basurto

  
David L. Gore

ILLINOIS WORKERS' COMPENSATION COMMISSION  
NOTICE OF ARBITRATOR DECISION

**MARKS, KEVIN**

Employee/Petitioner

Case# **09WC049018**

**10IWCC0832**

**OLIN CORPORATION**

Employer/Respondent

On 2/16/2010, 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 0.17% 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 E HOEFERT  
1600 WASHINGTON AVE  
ALTON, IL 62002

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

STATE OF ILLINOIS )  
 )SS.  
 COUNTY OF Madison )

☐ Injured Workers' Benefit Fund (§4(d))  
☐ Rate Adjustment Fund (§8(g))  
☐ Second Injury Fund (§8(e)18)  
☒ None of the above

ILLINOIS WORKERS' COMPENSATION COMMISSION  
 ARBITRATION DECISION  
 NATURE AND EXTENT ONLY

**Kevin Marks**  
 Employee/Petitioner

Case # 09 WC 49018

v.

Consolidated cases: \_\_\_\_\_

**Olin Corporation**  
 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 **1/27/10**. By stipulation, the parties agree:

On the date of accident, **Olin Corporation**, 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 **\$52,893.36**, and the average weekly wage was **\$1,017.18**.

At the time of injury, Petitioner was **45** years of age, *married* with **1** children under 18.

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

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

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 the sum of **\$610.30/week** for a further period of **132.6** weeks, as provided in Section **8(e)** of the Act, because the injuries sustained caused **the loss of 20% of each hand and 20% of the left arm.**

Respondent shall pay Petitioner compensation that has accrued from **9/14/09** through **1/27/10**, and shall pay the remainder of the award, if any, in weekly payments.

*Insert appropriate order text here. You may use and modify the appropriate text from the list of boilerplate paragraphs at <http://www.iwcc.il.gov/arbordertext.doc>*

**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

2/10/10  
Date

FEB 16 2010

**THE ARBITRATOR FINDS THE FOLLOWING FACTS:**

Petitioner, left hand dominant, has worked as an Adjuster II for Respondent for approximately 10 years. The job is hand/arm intensive.

Petitioner was referred to Dr. Ollinger, a hand surgeon, by Respondent's Medical Department. On 2/19/09 Petitioner was diagnosed by Dr. Ollinger with bilateral carpal tunnel syndrome. On 3/6/09 Dr. Ollinger performed surgery consisting of a a left carpal tunnel release and on 3/20/09 a right carpal tunnel release. 5

Petitioner returned to see Dr. Ollinger on 4/1/09 at which time he was diagnosed with left cubital tunnel syndrome. On 4/10/09 Dr. Ollinger performed a left cubital tunnel surgery. 5

Post-operatively, Petitioner underwent physical therapy and work hardening. Petitioner was released for full duty work on 6/18/09.

Petitioner was released from Dr. Ollinger's care on 9/14/09 at MMI.

On 1/12/10, Petitioner was seen again by Dr. Ollinger at Respondent's request for a Section 12 exam. Dr. Ollinger opined that Petitioner's symptoms had resolved with a return to full function. He thought that Petitioner had minimal impairment at the wrists and left elbow.

Petitioner testified that he has left elbow pain on the inside of his forearm with overuse. Petitioner testified that the surgical site on the

inside of the left elbow is tender when it is bumped. He experiences cramping bilaterally with overuse of the hands. Petitioner said that his hands are weaker than they were prior to developing bilateral carpal tunnel syndrome and that his grip is not as strong as it once was.

**THEREFORE THE ARBITRATOR CONCLUDES:**

As a result of his repetitive/accumulative hand/arm intensive job activities, Petitioner has sustained the loss of 20 % of each hand and 20% of the left arm.