

STATE OF ILLINOIS            )  
  ) SS.  
COUNTY OF JEFFERSON    )

<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

Steve Fulkerson,

Petitioner,

vs.

NO: 06 WC 08016

**09IWCC1287**

Continental Tire North America, Inc.,

Respondent.

DECISION AND OPINION ON REVIEW

Timely Petition for Review having been filed by Petitioner herein and notice given to all parties, the Commission, after considering the issue 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 April 3, 2009, is hereby affirmed and adopted.

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

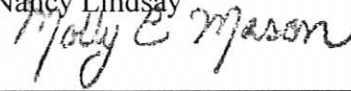
IT IS FURTHER ORDERED BY THE COMMISSION that Respondent shall have credit for all amounts paid, if any, to or on behalf of Petitioner on account of said accidental injury.

Bond for removal of this cause to the Circuit Court by Respondent is hereby fixed at the sum of \$37,200.00. 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.

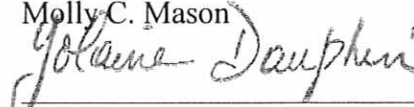
DATED: DEC 3 2009  
o-11/24/09  
NL/lj  
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Nancy Lindsay



Molly C. Mason



Yolaine Dauphin

STATE OF ILLINOIS )

COUNTY OF Jefferson )

09IWCC1287

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

**Steve Fulkerson**

Employee/Petitioner

Case # **06** WC **08016**

v.

**Mt. Vernon**

**Continental Tire North America, Inc.**

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 **Jennifer Teague**, arbitrator of the Commission, in the city of **Mt. Vernon**, on **March 3, 2009**. The only disputed issue is the nature and extent of the injury. By stipulation, the parties agree on the following items:

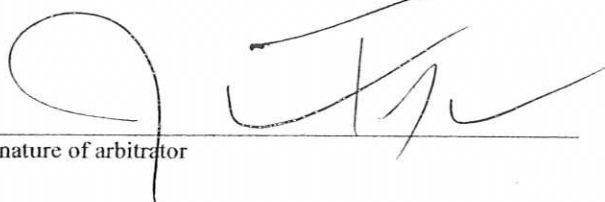
- On **January 19, 2006**, the respondent **Continental Tire North America** was operating under and subject to the provisions of the Act.
- On this date, the relationship of employee and employer did exist between the petitioner and respondent.
- On this date, the petitioner sustained accidental injuries 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 \$ **41,919.28**, and the average weekly wage was \$ **806.14**.
- At the time of injury, the petitioner was **48** 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 \$ **537.43**/week for **4 6/7** weeks, from **September 28, 2006 through October 4, 2006** and from **October 19, 2006 through November 14, 2006**, which is the period of temporary total disability for which compensation is payable.
- To date, \$ **2,710.97** has been paid for TTD and/or maintenance benefits. Respondent shall receive credit in the amount of \$100.61 for overpayment of TTD.

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.

- The respondent shall pay the petitioner the sum of \$ 483.68/week for a further period of 76.63 weeks, as provided in Section 8(e) of the Act, because the injuries sustained caused 7 1/2% permanent partial disability to Petitioner's right hand (NEW MONEY); 5% permanent partial disability to Petitioner's left hand (NEW MONEY); 20% permanent partial disability to Petitioner's right arm and 2 1/2% permanent partial disability to Petitioner's left arm (NEW MONEY). Respondent shall receive credit for all amounts previously paid.
- The respondent shall pay the petitioner compensation that has accrued from January 19, 2006 through March 3, 2009 and shall pay the remainder of the award, if any, in weekly payments.
- The respondent shall pay \$ N/A 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

March 31, 2009  
Date

APR 3 2009

**The Arbitrator hereby makes the following Findings of Fact:**

On January 19, 2006, Petitioner was employed with Respondent as a high table operator pushing rolls of rubber in and out of a machine. He noted an onset of a burning sensation in his bilateral elbows as well as numbness and tingling in the bilateral hands.

Petitioner had similar complaints approximately five years before this and at that time underwent bilateral endoscopic carpal tunnel releases, and a left shoulder surgery three years before. Commission records show that Petitioner filed Case # 01 WC 66291 for that claim and it was settled on a lump sum payment of 15% loss of use of each hand and 17.5% loss of use of the left arm.

After a course of conservative treatment at the company clinic, Petitioner sought treatment from Dr. Dehghan on February 21, 2006. Dr. Dehghan referred him for a nerve conduction study that was consistent with mild bilateral carpal tunnel syndrome. Surgery for both hands and elbows was proposed by Dr. Dehghan.

Petitioner was examined at Respondent's request by Dr. Sudekum, who was of the opinion that Petitioner's condition was work related and warranted surgery in the form of bilateral carpal tunnel releases and ulnar tunnel releases. Dr. Sudekum also commented that if these procedures were performed, then it would be reasonable to be off work for one week following the right upper extremity surgery, then work six weeks of light duty before proceeding with the left upper extremity procedure. Following the left surgery, he would be off work for two weeks and then return to work light duty for four weeks before resuming full unrestricted duty.

Petitioner did undergo the right carpal tunnel release and ulnar tunnel on September 28, 2006, and had the left carpal tunnel release and ulnar tunnel releases on October 19, 2006. Following surgery, he followed up with Dr. Dehghan and last saw him on December 19, 2006. At that time it was noted that the numbness and tingling in the upper extremities had completely resolved as well as the tenderness in the elbows. There were no complaints of pain, weakness, or anything else. He was released to full duty on January 2, 2007, and told to follow up in two to three months, which he did not.

**Therefore, the Arbitrator concludes:**

1. Petitioner was temporary totally disabled from September 28, 2006 through October 4, 2006 and from October 19, 2006 through November 14, 2006. Respondent shall receive credit for all amounts previously paid.
2. As a result of the accident of January 19, 2006, Petitioner sustained 7 ½% permanent partial disability to his right hand (NEW MONEY); 5% permanent partial disability to his left hand (NEW MONEY); 20% permanent partial disability to his right arm, and 2 ½% permanent partial disability to his left arm (NEW MONEY).

Respondent shall receive a credit in the amount of \$22,173.84 representing permanency paid to Petitioner in this case through the date of hearing.