

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF )  
WILLIAMSON )

<input checked="" type="checkbox"/> Affirm and adopt (no changes)	<input type="checkbox"/> Injured Workers' Benefit Fund (§4(d))
<input type="checkbox"/> Affirm with changes	<input type="checkbox"/> Rate Adjustment Fund (§8(g))
<input type="checkbox"/> Reverse	<input type="checkbox"/> Second Injury Fund (§8(e)18)
<input type="checkbox"/> Modify	<input type="checkbox"/> PTD/Fatal denied
	<input checked="" type="checkbox"/> None of the above

BEFORE THE ILLINOIS WORKERS' COMPENSATION COMMISSION

Greg Mayhugh,  
Petitioner,

**11IWCC0970**

vs.

NO: 10 WC 36490  
10 WC 36491

State of Illinois/ Menard Correctional 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 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.

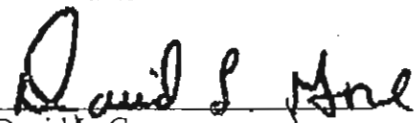
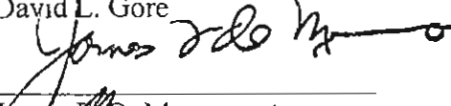
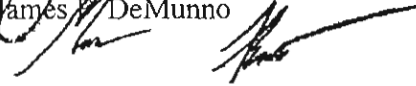
IT IS THEREFORE ORDERED BY THE COMMISSION that the Decision of the Arbitrator filed May 3, 2011 is hereby affirmed and adopted.

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.

DATED: SEP 30 2011

DLG/glc  
O: 9/29/11  
45

  
David L. Gore  
  
James F. DeMunno  
  
Mario Basurto

ILLINOIS WORKERS' COMPENSATION COMMISSION  
NOTICE OF ARBITRATOR DECISION

MAYHUGH, GREG

Employee/Petitioner

Case# 10WC036490

10WC036491

STATE OF IL/MENARD CORRECTIONAL CENTER

Employer/Respondent

**11IWCC0970**

On 5/3/2011, 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 0.10% 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:

0969 THOMAS C RICH PC  
6 EXECUTIVE DR  
SUITE 3  
FAIRVIEW HTS, IL 62208

0502 ST EMPLOYMENT RETIREMENT SYSTEMS  
2101 S VETERANS PARKWAY  
PO BOX 19255  
SPRINGFIELD, IL 62794-9255

0558 ASSISTANT ATTORNEY GENERAL  
GILBERT, ROYA  
1001 E MAIN ST BLDG #1  
CARBONDALE, IL 62901

0498 STATE OF ILLINOIS  
ATTORNEY GENERAL  
100 W RANDOLPH ST  
13TH FLOOR  
CHICAGO, IL 60601-3227

1350 CENTRAL MGMT SERVICES RISK MGMT  
WORKERS' COMPENSATION CLAIMS  
201 E MADISON ST SUITE 3C  
PO BOX 19208  
SPRINGFIELD, IL 62794-9208

CERTIFIED as a true and correct copy  
pursuant to 820 ILCS 305/14

MAY 8 2011



*Amy Masters*  
AMY MASTERS, Secretary  
Illinois Workers' Compensation Commission

STATE OF ILLINOIS )  
)SS.  
COUNTY OF Williamson )

<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

**111WCC0970**

Greg Mayhugh  
Employee/Petitioner

Case # 10 WC 36490

v. Consolidated cases: 10 WC 36491

State of Illinois/Menard Correctional 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 **Andrew Nalefski**, Arbitrator of the Commission, in the city of **Herrin**, on **4/13/11**. 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 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 Petitioner's employment by Respondent?
- D. ☐ What was the date of the accident?
- E. ☐ Was timely notice of the accident given to Respondent?
- F. ☐ Is Petitioner's current condition of ill-being causally related to the injury?
- G. ☐ What were Petitioner's earnings?
- H. ☐ What was Petitioner's age at the time of the accident?
- I. ☐ What was Petitioner's marital status at the time of the accident?
- J. ☒ Were the medical services that were provided to Petitioner reasonable and necessary? Has Respondent paid all appropriate charges for all reasonable and necessary medical services?
- K. ☐ What temporary benefits are in dispute?  
☐ TPD ☐ Maintenance ☐ TTD
- L. ☒ What is the nature and extent of the injury?
- M. ☐ Should penalties or fees be imposed upon Respondent?
- N. ☐ Is Respondent due any credit?
- O. ☐ Other \_\_\_\_\_

## FINDINGS

11IWCC0970

On 9/6/10 & 9/13/10, Respondent *was* operating under and subject to the provisions of the Act.

On this date, an employee-employer relationship *did* exist between Petitioner and Respondent.

On this date, Petitioner *did* sustain 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 \$56,808.00; the average weekly wage was \$1,092.46.

On the date of accident, Petitioner was 48 years of age, *married* with 0 dependent children.

Petitioner *has* received all reasonable and necessary medical services.

Respondent *has in part* paid all appropriate charges for all reasonable and necessary medical services.

Respondent shall be given a credit of \$all TTD paid for TTD, \$0 for TPD, \$0 for maintenance, and \$0 for other benefits; for a total credit of \$all TTD paid.

Respondent is entitled to a credit of \$0 under Section 8(j) of the Act.

## ORDER

Respondent shall pay Petitioner permanent partial disability benefits of \$655.48/week for 94.875 weeks, because the injuries sustained caused the 37 1/2% loss of the **right arm**, as provided in Section 8(e) of the Act.

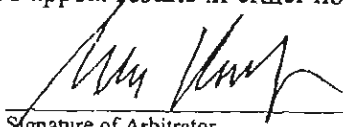
Respondent shall pay Petitioner permanent partial disability benefits of \$655.48/week for 50.6 weeks, because left elbow injuries sustained caused the 20% loss of the **left arm**, as provided in Section 8(e) of the Act.

Respondent shall pay medical services of \$115,231.26, as provided in Sections 8(a) and 8.2 of the Act.

Respondent shall be given a credit for medical benefits that have been paid. Respondent shall indemnify and hold petitioner harmless from any claims by any providers of the services for which Respondent is receiving this credit, as provided in Section 8(j) 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 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

  
Date

MAY 3 - 2011

**Greg Mayhugh v. State of IL/ Menard Correctional Ctr.**

**10 WC 36490 (D/A) 9/6/10)**

**10 WC 36491 (D/A) 9/13/10**

**11IWCC0970**

**The Arbitrator finds the following facts:**

These matters were previously heard pursuant to Section 19(b) on 11/12/10. A Decision was issued on 12/14/10 in favor of Petitioner on the issues of causation, medical bills and TTD benefits. No appeal was taken and that Decision is final. It is marked as Arbitrator's Exhibit3.

After 11/12/10, Petitioner continued treating with Dr. Brown and Dr. Paletta. After conservative treatment failed, Dr. Brown and Dr. Paletta performed surgeries on 12/9/10. Dr. Paletta performed a subacromial decompression, bursectomy, and acromioplasty with a distal clavical excision on Petitioner's right shoulder. Dr. Brown performed a right cubital tunnel release with an ulnar nerve transposition. On 1/7/11 Dr. Brown performed a similar surgery on Petitioner's left elbow.

Following surgery, Petitioner underwent physical therapy. He was released to return to full duty work on 2/9/11.

Respondent elected not to have Petitioner examined.

Petitioner testified that he still experience pain in both his right and left elbows with activity. Turning keys and pulling doors increases his elbow symptoms. Repeated pushing, pulling, lifting personal property boxes and reaching causes pain in his right shoulder. Petitioner testified that he continues to take Advil on a regular basis. He uses ice and heat at home. Petitioner's pain in his right and left arms is activity driven.

**Therefore the Arbitrator concludes:**

As a result of his injuries Petitioner has sustained the loss of 37 ½% of the right arm and 20% loss of the left arm.

Respondent shall pay medical bills of \$115,231.26, subject to the medical fee schedule. Respondent is entitled to credit for amounts paid. Respondent shall indemnify and hold Petitioner harmless for those amounts.