STATE OF ILLINOIS)
) SS
COUNTY OF MCHENRY)

BEFORE THE ILLINOIS WORKERS' COMPENSATION COMMISSION

ROBERT ANDERSON,

Petitioner,

vs.

NO: 09 WC 03575
13IWCC0937

JOHN CRANE, INC. & RATE ADJUSTMENT FUND,

Respondent.

ORDER OF RECALL UNDER SECTION 19(F)

A Petition to Recall the Decision pursuant to Section 19(f) of the Illinois Workers' Compensation Act to correct a clerical error in the Decision and Opinion on Review of the Commission dated November 4, 2013, having been filed by the Petitioner herein, and the Commission having considered said Petition, the Commission is of the opinion that the Petition should be granted.

IT IS THEREFOR ORDERED BY THE COMMISSION that the Decision and Opinion on Review dated November 4, 2013, is hereby recalled pursuant to Section 19(f) for clerical error contained therein.

IT IS FURTHER ORDERED BY THE COMMISSION that a Corrected Decision and Opinion on Review shall be issued simultaneously with this Order.

DATED: JAN 15 2014

Ruth W. White

RWW/lj
46

Ruth W. White

STATE OF ILLINOIS)
) SS.
COUNTY OF McHENRY)

☐ Affirm and adopt (no changes)	☐ Injured Workers' Benefit Fund (§4(d))
☒ Affirm with changes	☒ Rate Adjustment Fund (§8(g))
☐ Reverse Choose reason	☐ Second Injury Fund (§8(e)18)
	☐ PTD/Fatal denied
☐ Modify Choose direction	☐ None of the above

BEFORE THE ILLINOIS WORKERS' COMPENSATION COMMISSION

ROBERT ANDERSON,

Petitioner,

vs.

NO: 09 WC 03575
13IWCC0937

JOHN CRANE, INC., & RATE ADJUSTMENT FUND,

Respondents.

CORRECTED 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 permanent disability and being advised of the facts and law, changes the Decision of the Arbitrator as stated below and otherwise affirms and adopts the Decision of the Arbitrator, which is attached hereto and made a part hereof.

The decision of the Arbitrator is not numerated. In the case caption "**ANDERSON**" is hereby changed to "**ANDERSEN.**"

In the first section after the statement of facts the heading titled "**ARGUMENT**" is hereby changed to "**DECISION**." The final paragraph of the first section under the new heading titled "**DECISION**" is hereby stricken.

In the second section under the new heading titled "**DECISION**" the final paragraph is hereby changed to "Therefore, the Arbitrator finds there is no reasonably stable job market for Petitioner to secure employment and therefore awards Petitioner permanent total disability benefits for the duration of his disability."

The paragraph in the section titled "**CONCLUSION**" is hereby changed to "Therefore, the Arbitrator finds: (1) there is a causal relationship between Petitioner's work injury and his current condition of ill being; and (2) Petitioner is permanently and totally disabled pursuant to

Section 8(f) of the Act."

The "ORDER" section is hereby changed to:

"IT IS THEREFORE ORDERED BY THE COMMISSION that Respondent pay to Petitioner the sum of $467.41 per week for a period of 65 6/7 weeks, that being the period of temporary total incapacity for work under §8(b) of the Act.

IT IS FURTHER ORDERED BY THE COMMISSION that Respondent pay to Petitioner the sum of $467.41 per week for an additional period of 147 6/7 weeks in maintenance benefits under §8(a) of the Act.

IT IS FURTHER ORDERED BY THE COMMISSION that Respondent pay to Petitioner the sum of $467.41 per week for Petitioner's lifetime, or for the duration of his disability, commencing February 6, 2013 as provided in §8(f) of the Act, for the reason that the injuries sustained caused Petitioner's permanent and total disability from employment.

IT IS FURTHER ORDERED BY THE COMMISSION that Respondent pay all reasonable and necessary medical expenses, subject to the appropriate fee schedule, for treatment Petitioner has undergone for his injuries caused by this work-related accident under §8(a) of the Act.

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, under §8(a) of the Act.

IT IS FURTHER ORDERED BY THE COMMISSION that commencing on the second July 15 after the date of the entry of this award and on July 15 of each year thereafter, Petitioner shall be eligible for cost-of-living adjustments paid by the Rate Adjustment Fund, as provided in §8(g) of the Act."

Bond for the removal of this cause to the Circuit Court by Respondent, John Crane Inc., is hereby fixed at the sum of $70,000.00. The party commencing the proceeding for review in

the Circuit Court shall file with the Commission a Notice of Intent to File for Review in the Circuit Court.

DATED: JAN 15 2014

Ruth W. White

Charles J. DeVriendt

Michael J. Brennan

RWW/dw
0-9/20/13
46

ILLINOIS WORKERS' COMPENSATION COMMISSION
NOTICE OF ARBITRATOR DECISION

ANDERSON, ROBERT
Employee/Petitioner

Case# **09WC003575**

JOHN CRANE INC & RATE ADJUSTMENT FUND
Employer/Respondent

13IWCC0537

On 4/19/2013, 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 0.09% 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:

4963 NEWLAND & NEWLAND
GARY NEWLAND
121 S WILKE RD SUITE 301
ARLINGTON HTS, IL 60005

1109 GAROFALO SCHREIBER HART & STORM
ANDREW RANE
55 W WACKER DR 10TH FL
CHICAGO, IL 60601

5124 ASSISTANT ATTORNEY GENERAL
FRANK JORDAN
100 W RANDOLPH ST 13TH FL
CHICAGO, IL 60601

STATE OF ILLINOIS)
)SS.
COUNTY OF McHenry)

☐ 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

Robert Andersen
Employee/Petitioner

v.

John Crane, Inc & Rate Adjustment Fund
Employer/Respondent

Case # 09 WC 3575

Consolidated cases: _____

13IWCC0937

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 Lee, Arbitrator of the Commission, in the city of Woodstock, on 2/6/2013. 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

On **11/12/2008**, 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 **$37,262.43**; the average weekly wage was **$714.62**.

On the date of accident, Petitioner was **33** years of age, *single* with **0** dependent children.

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

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

Respondent shall be given a credit of **$31,443.16** for TTD, $ for TPD, **$69,824.40** for maintenance, and $ for other benefits, for a total credit of $.

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

ORDER

- **Respondent shall pay Petitioner temporary total disability benefits of $467.41/week for 65-6/7 weeks, commencing 11/13/08-11/23/08 and 1/14/09-4/9/10, as provided in Section 8(a) of the Act.**
- **Respondent shall pay Petitioner maintenance benefits of $467.41/week for 147-6/7 weeks, commencing on 4/10/10-2/6/13, as provided in section 8(a) of the Act.**
- **Respondent shall pay reasonable and necessary medical services for all treatment Petitioner has undergone to date, pursuant to the medical fee schedule. The parties stipulated that Respondent has already done so.**
- **Petitioner is found to permanently and totally disabled. Respondent shall pay Petitioner permanent and total disability benefits of 467.41 /week for life, commencing 2/6/2013, as provided in Section 8(f) of the Act.**
- **Commencing on the second July 15 after the entry of this award, Petitioner may become eligible for cost-of-living adjustments, paid by the Rate Adjustment Fund, as provided in Section 8(g) 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.

Edward Lee
Signature of Arbitrator

4/17/13
Date

APR 19 2013

13IWCC0937

STATE OF ILLINOIS)
) SS
COUNTY OF MCHENRY)

BEFORE THE ILLINOIS WORKERS' COMPENSATION COMMISSION

ROBERT ANDERSON,	)	
	)	
Petitioner,	)	
	)	
V.	)	09 WC 03575
	)	
JOHN CRANE, INC., & RATE ADJUSTMENT FUND, C/O DAN RUTHERFORD, STATE TREASURER & EX OFFICIO CUSTODIAN,	)	
	)	
Respondents.	)	

DECISION

STATEMENT OF FACTS

The parties stipulated that on November 12, 2008, Petitioner was an employee of Respondent and sustained an injury which arose out of and in the course of his employment. (Arb. Ex. #1) Petitioner sustained an injury to his low back after lifting a bucket at work. (Petitioner's Exhibit, herein "PX" 1). He reported the injury immediately to his supervisor. He sought immediate care with Dr. Antonio Yuk. Petitioner had a prior back injury which required a laminectomy. Id. Petitioner had made a full recovery from that condition and worked within his restrictions for Respondent and was accommodated.

As a result of the work injury, Petitioner underwent a diskectomy at L5-S1 on January 26, 2009. Following surgery, Petitioner began a course of physical therapy and other conservative care, but his overall symptoms did not improve significantly and he remained off work from January 14, 2009 to the time of the hearing. By March 2010, Dr. Yuk found Petitioner had reached Maximum Medical Improvement ("MMI") and assigned permanent light duty restrictions. (PX 13) Petitioner was paid TTD benefits from November 13, 2008 to November 23, 2008, and again from January 14, 2009 to April 9, 2010. Thereafter, the employer was unable to accommodate the restrictions as assigned by Dr. Yuk.

On March 3, 2009, Petitioner was seen for an Independent Medical Evaluation with Dr. Frank Phillips. He opined that the mechanism of injury sustained by Petitioner on November 12, 2008, was "sufficient to cause a new disc herniation" and the subsequent treatment was reasonable and necessary. He generally agreed with the treatment plan that was in place and concurred that Petitioner was not able to work at that time.

On June 23, 2009, Petitioner underwent a Functional Capacity Evaluation which placed Petitioner in the light physical demand level.

On February 2, 2010, Petitioner had a follow up Independent Medical Evaluation with Dr. Frank Phillips. At that time Dr. Phillips opined Petitioner has reached MMI and did not require any additional treatment. He further opined Petitioner was able to work at the medium duty capacity and lift up to 50

pounds. Petitioner offered unrebutted testimony that in total Dr. Phillips spent no more than ten minutes with him during both exams and at no point did Dr. Phillips even touch him as part of the examinations.

Respondent showed Dr. Phillips surveillance footage of Petitioner snow blowing the driveway on one occasion. Petitioner offered unrebutted testimony that he had gone to great lengths to find a snow blower that would accommodate his restrictions. Petitioner testified this particular snow blower goes forward, backward, and is able to turn on its own without any effort on his part.

On March 23, 2010, Petitioner was seen by Dr. Francisco Espinosa for an Independent Medical Evaluation at the request of his attorney. Dr. Espinosa opined Petitioner was "significantly incapacitated and unable to carry out even light work or sedentary work." (PX 11) In addition, he opined Petitioner's only remaining treatment option was a L5-S1 fusion. If Petitioner did not wish to undergo the fusion, Dr. Espinosa opined Petitioner had reached MMI and was unable to work. Petitioner testified his treating physician, Dr. Yuk, advised the fusion was not recommended at that time.

Petitioner began vocational rehabilitation in January 2010 with Vocamotive, Inc. as assigned by Respondent. (PX 15). The vocational counselor was Lisa Helma. She testified Petitioner had attention deficit disorder and a learning disability. Id. In addition to the lifting restrictions, Petitioner was restricted to working four hours per day. (Id at p. 63) Ms. Helma testified that Petitioner received job search training. (Id at 66) She also described Petitioner as "fully cooperative" in her testimony. (Id at 70) Ms. Helma opined that five percent of the labor market work force works within Petitioner's restrictions – light duty and limited to four hours per day. (Id at 81) Vocamotive was unable to secure employment for Petitioner. Respondent paid Petitioner maintenance benefits from April 10, 2010 to the date of hearing.

In December 2010, Petitioner began treatment with Dr. Willa Wertheimer, a licenses clinical psychologist, for treatment of depression in response to disability and chronic pain from his injuries. (PX 9) Dr. Wertheimer opined Petitioner needed to cease participation in vocational rehabilitation as the long driving required that he not use pain medications. Dr. Wertheimer opined this was unhealthy for Petitioner psychologically and physiologically. Dr. Wertheimer reported Petitioner was dealing with chronic severe pain, loss of ability to move and maintain mental focus and distress due to financial

downfall, all related to the work injury. Furthermore, Petitioner felt harassed by the employer and insurance company as they had conducted surveillance efforts of him. Dr. Wertheimer concluded Petitioner had moderate to severe depression due to the continued duration of his significant stressors. Id.

Petitioner testified he has difficulties with many of his activities of daily living. Because of his continued pain he had a hand rail installed in his bathroom to assist him on the commode. In addition, he had a hand rail and a chair in the shower to assist him in taking a shower and a stool to wash his feet. He is unable to walk his dogs in the woods near his home. He tries to continue with his hobby of shooting his gun at a firing range, but doing so leaves him with increased pain. Dr. Yuk included additional restrictions on Petitioner prohibiting him from driving a stick-shift automobile.

Finally, Petitioner's Exhibit #12 was correspondence dated December 2, 2009, from Respondent John Crane, Inc, terminating Petitioner's employment based on an inability to accommodate Petitioner's work restrictions. The letter is an admission on the part of Respondent that Petitioner's restrictions were greater than what Respondent's IME physician had suggested that his current restrictions exceeded the restrictions the employer had previous accommodated.

ARGUMENT

Regarding the issue of (F), whether Petitioner's condition of ill-being is causally related to the work injury, the Arbitrator finds:

There is no dispute Petitioner sustained a work-related injury on November 12, 2008, while in the course of his employment with Respondent. Furthermore Petitioner was seen by Dr. Frank Phillips for an Independent Medical Evaluation on March 3, 2009. Dr. Phillips agreed Petitioner's condition was causally related to the work injury Petitioner sustained on November 12, 2008. He also agreed with the treatment Petitioner had received to that point and generally with the treatment plan moving forward.

On June 23, 2009, Petitioner underwent a Functional Capacity Evaluation which placed Petitioner in the light physical demand level.

On December 23, 3009, Petitioner was seen by Dr. Yuk for a follow-up evaluation. Dr. Yuk indicated that "understanding his current condition, I do not believe he can sustain gainful employment." (PX #5)

On February 2, 2010, Petitioner had a follow up Independent Medical Evaluation with Dr. Frank Phillips at which time he opined Petitioner was able to work at the medium duty capacity and lift up to 50 pounds.

On March 23, 2010, Petitioner was seen by Dr. Francisco Espinosa for an Independent Medical Evaluation at the request of his attorney. Dr. Espinosa opined Petitioner was "significantly incapacitated and unable to carry out even light work or sedentary work." (PX #11)

On February 6, 2012, Petitioner followed up with his treating physician, Dr. Yuk, who opined Petitioner was unable to drive a bus/van because of the medication (Norco) that he continued to need. (PX 5).

Case law is peppered with instances wherein the opinions of the treating physician are given greater weight than those of an examining physician. See *International Vermiculite Co. v. Industrial Comm'n*, 77 Ill.2d 1, 4, 31 Ill.Dec. 789, 394 NE 2d 1166 1979) (Commission may attach greater weight to

treating physician's testimony); *Holiday Inns of America v. Industrial Comm'n,*43 Ill.2d 88, 89-90,250 NE 2d 643 (1969) (Commission may properly attach more weight to treating physician's evidence); *A R A Services, Inc. v. Industrial Comm'n,*226 Ill App 3d 225, 232, 168 Ill Dec 756, 590 NE 2d 78 (1992) (may attach more weight to treating physician); *Freeman United Coal Mining Co. v. Industrial Comm'n,* 224 Ill App 3d 778, 790, 167 Ill Dec 526, 587 NE 2d 1141 (1992) (Commission could rely on opinions of treating physicians); *Christman v. Industrial Comm'n,*180 Ill App 3d 876, 882, 129 Ill.Dec. 723, 536 NE 2d 773 (1989) (Commission entitled to rely on conclusions of treating physician over conclusions of examining physician); *International Harvester Co. v. Industrial Comm'n,* 169 Ill App 3d 809, 815, 120 Ill.Dec. 392, 523 NE 2d 1303 (1988) (Commission could rely on examining physician's testimony over testimony of two other physicians).

In the case at bar, there are two examining physicians –Dr. Phillips and Dr. Espinosa – who had two differing opinions regarding Petitioner's current medical condition related to his back. Petitioner's treating physician, however, is clear in his understanding of Petitioner's medical condition, as he treated him for several years. He unequivocally opined Petitioner was not able to pursue his usual line of employment and furthermore would be unable to sustain any gainful employment given his incapacities.

Based on the foregoing, Petitioner prays the Honorable Arbitrator find Petitioner's condition of ill-being is causally related to the undisputed work injury.

Regarding the issue of (L), the nature and extent of Petitioner's injury, the Arbitrator finds:

Respondent paid TTD benefits to Petitioner from November 13, 2008 to November 23, 2008 and then again from January 14, 2009 to April 9, 2010. Respondent also paid maintenance benefits to Petitioner from April 10, 2010, to the date of hearing. As it relates to the nature and extent of Petitioner's injuries, the facts reveal several opinions.

First, the Functional Capacity Evaluation which Petitioner underwent on June 23, 2009, revealed Petitioner was functioning at the light duty physical demand level. The report referenced the US

Department of Labor Dictionary of Occupational Titles which defined light duty work as "exerting up to 20 lbs force occasionally and/or up to 10 lbs force frequently, and/or a negligible amount of force constantly."

Next, on February 2, 2010, Respondents Section 12 examining physician, Dr. Phillips, opined Petitioner had reached MMI and was capable of working at a medium duty capacity and could lift up to 50 pounds. He did not explain his findings which greatly differed than those of the FCE limiting Petitioner to light duty.

Next, Dr. Espinosa, Petitioner's own examining physician, opined Petitioner was unable to work in any capacity if he did not undergo a fusion at L5-S1. Petitioner testified that he did not wish to undergo the fusion after discussing it with his treating physician, Dr. Yuk. As recently as February 2010, Dr. Yuk opined Petitioner was unable to perform his job because of the narcotics he was required to take as part of his treatment plan. By March 2010, Dr. Yuk also restricted Petitioner to onpooly four hours of work per day. The Arbitrator notes that neither the FCE nor Respondent's Section 12 physician, Dr. Phillips, provided any opinion regarding a limit to the number of hours Petitioner could work.

Petitioner was evaluated by vocational counselor Edward Pagella on September 22, 2010. Mr. Pagella authored a report dated October 9, 2010. Ultimately Mr. Pagella opined "it is my professional opinion that Mr. Anderson is disabled and unemployable." (PX #14, Deposition Exhibit #2) At the time of his deposition, Mr. Pagella was asked his opinion and assessment of Petitioner related to his ability to find work. He responded saying, "Based upon his entire vocational profile, he was limited for four hours and would need -- I am going by the most recent medical report that I was provided – and would need a 10-minute break after every hour. In my opinion, I don't think you are going to find an employer who is going to hire him based on these physical limitations." (Id. At p. 23)

Respondent retained the services of a vocational rehabilitation counselor to offer an opinion regarding Petitioner's work capabilities. The vocational counselor, Lisa Helma, conducted an initial interview with Petitioner on January 4, 2010. She noted Petitioner's education, lifting restrictions, and medical records. She also noted Petitioner no longer had a vehicle because he was unable to drive a stick-

shift automobile. She indicated that following the evaluation, a recommendation for vocational rehabilitation services was not made. (PX 15, p 29). This was due to the fact that Dr. Phillips had placed Petitioner at the medium level of physical demand. This was within the light to medium physical duty of a machine operator. (Id. at 30)

Nonetheless, vocational rehabilitation services began in April 2010 and according to Ms. Helma, Petitioner was cooperative. (Id. at 70). One of the first steps in the process was providing computer training to Petitioner. The counselor was aware of a March 2010 restriction to the number of hours Petitioner could work from Dr. Yuk. She agreed that such restrictions "did complicate the number of available positions for Mr. Andersen." (Id. at 57) Ms. Helma reported that Petitioner had some job interviews but was unsuccessful in finding employment. (Id. at 59) She also reported that on September 2, 2010, she was notified by Liberty Mutual that she should close her file and vocational services were no longer needed for Petitioner. Id.

Petitioner alleges he is permanently and totally disabled under Section 8(f) of the Act. Our courts have routinely held that a claimant does not need to be reduced to a total physical incapacity before a permanent total disability award may be granted. *Interlake, Inc v. Industrial Comm'n* 86 Ill 2d 168, 176, 56 Ill Dec 23, 427, NE 2d 103 (1981) Rather, a person is totally disabled when he is incapable of performing services except for those for which there is no reasonably stable market. *AMTC of Illinois, Inc., v. Industrial Comm'n,* 77 Ill 2d 482, 487, 34 Ill Dec 132, 389 NE 2d 804 (1979)

The opinion of Dr. Espinosa is that Petitioner is in fact unable to work. It is always well recognized law, however, that the opinion of the treating physician can be given greater weight than that of an examining physician. The Court may then consider Dr. Yuk's opinion wherein he gives Petitioner permanent light duty restrictions and a restriction regarding the number of hours Petitioner may work on a daily basis. Under this set of facts, Petitioner must prove that he is an "odd-lot" permanent total disability candidate. The facts of this case clearly establish this.

First, Petitioner has severe permanent work restrictions. Secondly, there are multiple medical opinions limiting Petitioner's ability to return to work. Dr. Yuk first prescribed the significant work

restrictions. Then he opined Petitioner could not drive while taking the pain medication. Additionally, Dr. Espinosa opined Petitioner could not work in any capacity. Next, Petitioner secured the expert opinion of a vocational rehabilitation counselor – Edward Pagella – who opined there was no reasonably stable job market for Petitioner given his physical restrictions and psychological obstacles.

Respondent attempted to rebut the opinion of Mr. Pagella by initiating vocational rehabilitation services with another vendor. After nine months of job search training, applications and interviewed, they were unsuccessful in finding Petitioner work in any capacity.

Regarding the psychological aspect of the injuries Petitioner sustained, multiple physicians concurred with diagnoses of depression that Petitioner had. He required both psychological and psychiatric treatment and was prescribed pain and anti-depression medication. No psychologist or psychiatrist provided any contrary opinions regarding either the diagnoses or treatment plan.

It is reasonable for the Honorable Arbitrator to conclude there is no reasonably stable job market for Petitioner to secure employment and therefore to award permanent total disability benefits to Petitioner for the duration of his disability.

CONCLUSION

Therefore, the Honorable Arbitrator should find: (1) there is a causal relationship between Petitioner's work injury and his current condition of ill being, and (2) Petitioner is permanently and totally disabled pursuant to Section 8(f) of the Act.