

STATE OF ILLINOIS)
) SS.
COUNTY OF)
WILLIAMSON

BEFORE THE ILLINOIS WORKERS' COMPENSATION COMMISSION

Gene Gilliam
Petitioner,

vs.

NO: 16 WC 00634
17IWCC0694

General Cable,
Respondent.

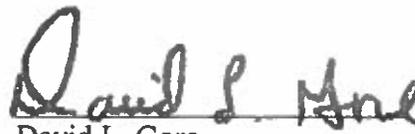
ORDER OF RECALL UNDER SECTION 19(f)

This matter comes before the Commission on Respondent's motion to correct a clerical error in the Decision and Opinion on Review of the Commission filed November 2, 2017. After reviewing the Decision on Review, the Commission recalls the Decision for the purposes of correcting the clerical error.

IT IS THEREFORE ORDERED BY THE COMMISSION that the Order dated November 10, 2016, is hereby vacated and recalled pursuant to Section 19(f) for a clerical error contained therein.

IT IS FURTHER ORDERED BY THE COMMISSION that a Corrected Order shall be issued simultaneously with this Order.

DATED: DEC 27 2017
DLG/mw


David L. Gore

STATE OF ILLINOIS)
) SS.
COUNTY OF)
WILLIAMSON

<input 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 checked="" type="checkbox"/> Modify <input type="checkbox"/> up	<input type="checkbox"/> PTD/Fatal denied
	<input checked="" type="checkbox"/> None of the above

BEFORE THE ILLINOIS WORKERS' COMPENSATION COMMISSION

GENE GILLIAM,
Petitioner,

vs.

NO: 16 WC 00634

GENERAL CABLE,
Respondent.

17IWCC0694

CORRECTED DECISION AND OPINION ON REVIEW

Timely Petition for Review having been filed by both the Respondent and Petitioner herein and notice given to all parties, the Commission, after considering the issues of accident, causal connection, medical expenses, temporary total disability and permanent partial disability, and being advised of the facts and law, modifies 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.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Commission finds:

1. Petitioner was hired by Respondent to work on the jacket line. His duties included loading and unloading reels and doing cut overs. A reel is 90 inches and can weigh between 10-15,000 pounds. He worked with 4 reels a night. He had to roll each reel into position to be held by pins. The reels are taller than Petitioner. He then bent the serve wires back to remove the plastic coating, cut the center core wire out and then twisted wires together to make splices. He used hand held cable cutters and a PVC cutter, although when he first started they used a straight blade knife. He worked 7 days a week every other weekend from 2007 to 2010. 12 hour shifts and a lot of overtime.

17IWCC0694

2. In 2010 Petitioner drove a forklift for Respondent. It has 4 levers and a steering knob. Due to the rubber tires, there is a lot of vibration while operating the truck. Additionally, if he drives outdoors, there are a lot of rocks in the parking lot, causing more vibration. While driving the truck, Petitioner initially still had to roll reels with his hand. Eventually he was able to roll the reels with his truck. He also occasionally serviced forklift trucks.
3. On March 18, 2015 Petitioner presented to Family Medical Center with complaints of left elbow discomfort and tenderness at the lateral epicondyle. He was diagnosed with elbow pain.
4. On March 23, 2015 Petitioner bid for, and received the Shipping DC cuts job. He bid for this job because he was having issues with his arms and wanted to get off of the truck. In Shipping DC, Petitioner was required to use the truck to put the reel in place, but after that he and a coworker manually pulled the cable to the reel, tied the cable to the reel, and layered it to the length requested by a customer. He used a traverse (a tool shaped like bicycle handlebars) to help layer the reel. The wider the cable, the more force necessary to layer it. Sometimes it would take the full weight of Petitioner's body to guide the traverse. Some jerking would occur while operating it as well. In Shipping DC, Petitioner also uses a nail gun for nailing 5 inch nails through 4 by 4's, a vibrating tool used to cut insulation and a drill that is an actual cable cutter that is used on the cable. He uses tools on nearly every job duty, and also loads and unloads trucks.
5. Petitioner, who had some hand and arm issues prior to working in Shipping DC, eventually noticed his hand and arm issues worsened when he moved to Shipping DC. Eventually, as symptoms progressed to include hand and elbow numbness, Petitioner underwent bilateral nerve conduction studies. By December 2015 he was diagnosed with bilateral carpal tunnel syndrome. An orthopedic surgeon, Dr. Brown, recommended surgery and opined that the need for surgery was job related.
6. Petitioner received a second opinion from Dr. Mall, who recommended splints and braces for one month, which did not help. Petitioner had pain and tingling which woke him up at night. His symptoms were worse at night than they were at work.
7. Petitioner underwent bilateral carpal tunnel surgeries on February 16, 2016 and March 1, 2016. He experienced relief after the surgeries. He has soreness in his palms along the incisions and numbness in his forearm to his elbow. He takes Tylenol when necessary. He has a loss of strength and endurance in his hands as well as his elbows.
8. Respondent's Facilities Manager recorded videos depicting all of the job duties Petitioner undertook, but omitted depicting the use of the traverse in the Shipping DC department.
9. Dr. Mall reviewed the videos and opined that Petitioner's injuries were causally related

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to his work duties. He noted that the videos appeared to depict a lot of grip strength and grabbing while dealing with reels.

10. In March 2016 Dr. Strecker, Respondent's §12 physician, diagnosed Petitioner with bilateral carpal and cubital tunnel syndromes. He opined that Petitioner's job duties contributed to his conditions based on his job history. However, after viewing the video depicting the work activities, he changed his opinion and found no temporal relationship between Petitioner's work duties and his conditions, stating that the flexion required to cause cubital tunnel while driving a fork truck would be an unnatural position unless the steering wheel was almost in the drivers face.
11. Upon further examination. Dr. Strecker admitted to previously testifying that forklift driving with significant vibration was a contributing factor to carpal and cubital tunnel. This is in stark contrast to the testimony mentioned in paragraph 10 above. Dr. Strecker also admitted that he was unaware if Petitioner's fork truck caused vibration and had no knowledge of the flexion required to drive the fork truck.
12. Although surgical intervention decreased Petitioner's symptoms, he still suffers from tenderness and soreness when pushing off from his palms, as well as elbow numbness.

Upon review, the Commission affirms the Arbitrator's findings regarding accident, causal connection, medical expenses and temporary total disability.

The Commission, however, views the evidence slightly different than does the Arbitrator regarding the permanent partial disability award. No American Medical Association rating was offered by either party. The Commission notes that Petitioner continues to work for Respondent, and that the demands of the job will likely effect his permanent condition in the future. The Commission also takes into account that Petitioner was relatively young at the time of accident (46 years of age), but was given a full duty release, thus there is no evidence of a loss of future earnings capacity. Based on the above factors, the Commission finds that Petitioner's level of impairment equates to a 10% loss of use of both hands and both arms.

IT IS THEREFORE ORDERED BY THE COMMISSION that Respondent pay to Petitioner the sum of \$570.61 per week for a period of 6-6/7 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 \$513.55 per week for a period of 88.60 weeks, as provided in §8(e) of the Act, for the reason that the injuries sustained caused a 10% loss of use of Petitioner's bilateral hands and arms.

IT IS FURTHER ORDERED BY THE COMMISSION that Respondent pay to Petitioner any and all unpaid and related medical expenses, per the fee schedule, and shall provide documentation of fee schedule payment calculations to Petitioner.

IT IS FURTHER ORDERED BY THE COMMISSION that Respondent pay to Petitioner

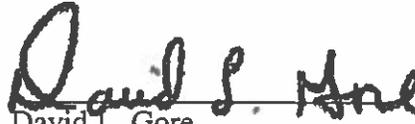
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interest under §19(n) of the Act, if any.

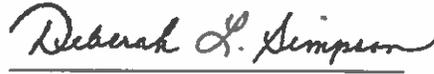
IT IS FURTHER ORDERED BY THE COMMISSION that Respondent shall have credit for all amounts paid, if any, under group medical, for which credit may be allowed. Respondent shall hold Petitioner harmless for any claims for reimbursement from any health insurance provider and shall provide payment information to Petitioner.

Bond for the removal of this cause to the Circuit Court by Respondent is hereby fixed at the sum of \$28,900.00. The party commencing the proceedings for review in the Circuit Court shall file with the Commission a Notice of Intent to File for Review in Circuit Court.

DATED:
O: 9/7/17 DEC 27 2017
DLG/wde
45


David L. Gore


Stephen Mathis

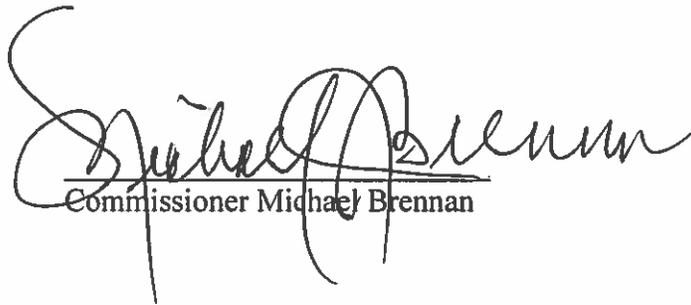

Deborah L. Simpson

ILLINOIS WORKERS' COMPENSATION COMMISSION

Illinois Workers' Compensation)
Commission, Insurance Compliance)
Division,)
)
Petitioner,) No. 12 INC 625
)
v.)
)
Roberto Rubio Individually and President of)
Roberto Rubio Riggings & Roberto)
Machine Shop)
)
Respondent.)

ORDER

This matter, after oral request by the Petitioner, The Illinois Workers' Compensation Commission – Insurance Compliance Division, by and through its attorney, the Office of the Illinois Attorney General, is dismissed. The Office of the Attorney General has advised this Commission it no longer seeks to proceed in this matter against Respondents, as this matter has settled.


Commissioner Michael Brennan

Dated: 12-12-17

DEC 12 2017

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

<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

TAMMY COUGHLIN,

Petitioner,

vs.

No. 15 WC 25280
17 IWCC 680

EDEN VILLAGE RETIREMENT CENTER,

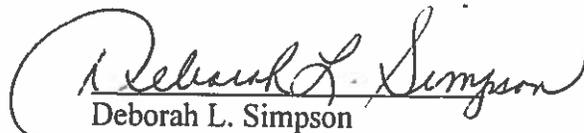
Respondent.

ORDER

This matter comes before the Commission on Respondent's Motion to Recall Commission Decision pursuant to Section 19(f). On consideration of the decision at issue, the Commission finds there is no clerical error. Therefore, Respondent's Petition is denied

IT IS THEREFORE ORDERED BY THE COMMISSION that Respondent's Motion to Recall Commission Decision is hereby denied.

DATED: **NOV 30 2017**


Deborah L. Simpson