

13 WC 05662  
14IWCC0350  
Page 1

STATE OF ILLINOIS )  
) SS  
COUNTY OF JEFFERSON )

BEFORE THE ILLINOIS WORKERS' COMPENSATION  
COMMISSION

Bill Sentel,

Petitioner,

vs.

NO. 13 WC 05662  
14IWCC0350

Continental Tire North America, Inc.,

Respondent.

ORDER

This matter comes before the Commission on Respondent's Motion to Recall Pursuant to Section 19(f), stating that an error exists in the Commission's decision issued May 5, 2014 in the above captioned matter. Specifically, the Petitioner should have been awarded 99.65 weeks of permanent partial disability benefits.

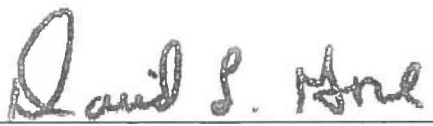
IT IS THEREFORE ORDERED BY THE COMMISSION that the Decision and Opinion on Review dated May 5, 2014 in the above captioned matter is hereby vacated and recalled pursuant to Section 19(f) of the Act. The parties should return their original decisions to Commissioner David L. Gore.

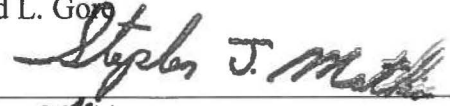
IT IS FURTHER ORDERED BY THE COMMISSION that a Corrected Decision and Opinion on Review shall be issued simultaneously with this Order.


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: JUN 0 4 2014

DLG/gal  
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\_\_\_\_\_  
David L. Gore

  
\_\_\_\_\_  
Stephen Mathis

  
\_\_\_\_\_  
Mario Basurto

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF JEFFERSON )

<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

Bill Sentel,

Petitioner,

vs.

NO: 13 WC 05662  
14IWCC0350

Continental Tire North America, Inc.,

Respondent.

CORRECTED DECISION AND OPINION ON REVIEW

Timely Petition for Review having been filed by the Petitioner and Respondent herein and notice given to all parties, the Commission, after considering the issues of the nature and extent of Petitioner's disability, evidentiary rulings, 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 September 11, 2013 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 \$40,000.00. 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.

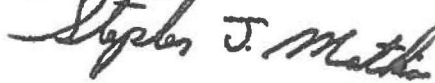
DATED:

**JUN 04 2014**

DLG/gal  
O: 4/24/14  
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David S. Gore



Stephen Mathis



Mario Basurto

ILLINOIS WORKERS' COMPENSATION COMMISSION  
NOTICE OF ARBITRATOR DECISION

SENTEL, BILL

Employee/Petitioner

Case# 13WC005662

14IWC0350

CONTINENTAL TIRE NORTH AMERICA INC

Employer/Respondent

On 9/11/2013, 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 0.03% 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:

1312 BEMENT & STUBBLEFIELD  
GARY BEMENT  
PO BOX 23926  
BELLEVILLE, IL 62223

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

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 checked="" type="checkbox"/>	None of the above

**ILLINOIS WORKERS' COMPENSATION COMMISSION**

**ARBITRATION DECISION  
NATURE AND EXTENT ONLY**

14TW000250

Bill Sentel  
Employee/Petitioner

Case # 13 WC 05662

v.

Consolidated cases: n/a

Continental Tire North America, Inc.  
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 William R. Gallagher, Arbitrator of the Commission, in the city of Mt. Vernon, on August 8, 2013. By stipulation, the parties agree:

On the date of accident (manifestation), February 18, 2012, 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 \$50,997.62; the average weekly wage was \$1,030.98.

At the time of injury, Petitioner was 57 years of age, married, with 0 dependent child(ren).

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

Respondent shall be given a credit of \$2,160.15 for TTD, \$0.00 for TPD, \$0.00 for maintenance, and \$21,650.65 for other benefits (permanent partial disability benefits), for a total credit of \$23,810.80.

At trial, the parties stipulated that temporary total disability benefits were paid in full and that Respondent had made weekly advance payments of permanent partial disability benefits of \$21,650.65.

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.

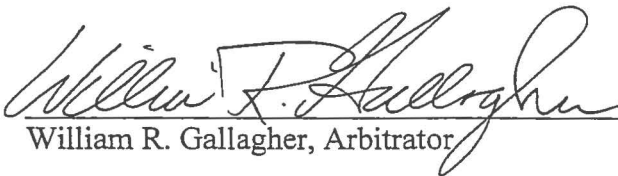
**ORDER**

Respondent shall pay Petitioner permanent partial disability benefits of \$618.59 per week for 99.65 weeks because the injuries sustained caused the 15% loss of use of the right arm, 15% loss of use of the left arm, and 12 1/2 % loss of use of the left hand as provided in Section 8(e) of the Act. Respondent shall be given a credit for weekly advance payments of permanent partial disability benefits of \$21,650.65, as well as any subsequent advance payments of permanent partial disability benefits.

Respondent shall pay Petitioner compensation that has accrued from September 10, 2012, through August 8, 2013, and shall pay the remainder of the award, if any, in weekly payments.

**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.

  
\_\_\_\_\_  
William R. Gallagher, Arbitrator

September 6, 2013  
Date

SEP 11 2013

## Findings of Fact

Petitioner filed an Application for Adjustment of Claim which alleged he sustained a repetitive trauma injury arising out of and in the course of his employment for Respondent. The Application alleged a date of accident (manifestation) of February 18, 2012, and that Petitioner sustained repetitive trauma to the bilateral upper extremities. There was no dispute as to the compensability of this case and the only disputed issue at trial was the nature and extent of disability.

Petitioner was hired by Respondent in 1992 and he worked for Respondent as a truck tire builder. Petitioner's job duties included pushing cassettes, splicing rubber by hand, hand stitching and lifting tread. Petitioner generally work nine to 12 hours per day. Over time, Petitioner developed symptoms in both upper extremities.

At the direction of the Respondent, Petitioner was examined by Dr. David Brown, an orthopedic surgeon, on April 12, 2012. At that time, Petitioner informed Dr. Brown of having a one year history of numbness/tingling in both hands, primarily the little and ring fingers as well as pain in both elbows. Dr. Brown examined Petitioner and opined that his findings were consistent with bilateral cubital tunnel syndrome and carpal tunnel syndrome of the left hand. Dr. Brown further opined that Petitioner's job as a truck tire builder was an aggravating factor for the development of the conditions he diagnosed.

Dr. Brown ordered nerve conduction studies which, when performed by Dr. Dan Phillips, confirmed his diagnosis. He initially treated the conditions conservatively with splints and medication. When Petitioner was seen by Dr. Brown on June 4, 2012, he advised that his symptoms had not improved. Dr. Brown performed surgery on July 12, 2012, which consisted of a right cubital tunnel release, ulnar nerve transposition and myofascial lengthening of the flexor pronator tendon. Dr. Brown performed surgery on August 2, 2012, which consisted of a left carpal tunnel release and left cubital tunnel release, ulnar nerve transposition and myofascial lengthening of the flexor pronator tendon.

Subsequent to the surgeries, Petitioner remained under Dr. Brown's care and received physical therapy. Dr. Brown released Petitioner to return to work without restrictions on September 10, 2012. At the time of that visit, Petitioner stated that he had a complete resolution of the numbness/tingling in his hands but still had some residual soreness in the elbows.

At the direction of Respondent, Petitioner was examined by Dr. Brown on November 14, 2012. Based on that examination, Dr. Brown opined that Petitioner had an impairment of one and one-half percent (1 1/2%) of the left upper extremity and one percent (1%) of the right upper extremity based on the AMA guidelines (Respondent's Exhibit 6). Petitioner's counsel objected to the admission into evidence of this report on the basis it was a Petrillo violation. The Arbitrator overruled this objection on the basis that Petitioner signed a medical authorization on February 18, 2012, which was never revoked by Petitioner (Respondent's Exhibit 5).

At trial, Petitioner testified that both elbows are tender to the touch and get sore, in particular, after he completes his shift at work. He also testified that his right little finger will go numb

when his elbow is fully extended. Petitioner also complained of some weakness in his left hand with a periodic complainant of some tingling with overuse. Petitioner agreed that he was able to perform all of his job duties and meet all of his production quotas.

#### Conclusions of Law

The Arbitrator concludes that Petitioner has sustained permanent partial disability to the extent of 15% loss of use of the right arm, 15% loss of use of the left arm and 12 ½% loss of use of the left hand.

In support of this conclusion the Arbitrator notes the following:

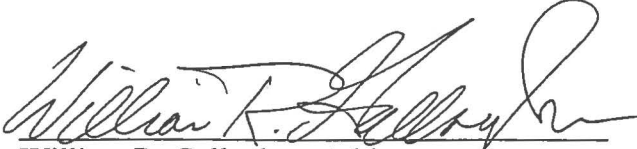
Dr. Brown examined Petitioner and opined that there was an AMA impairment of one and one-half percent (1 1/2%) of the left upper extremity and one percent (1%) of the right upper extremity.

Petitioner is a truck tire builder and has worked in that capacity for approximately 20 years. This job does require the repetitive use of both upper extremities. Petitioner testified he still has symptoms in both upper extremities at the end of his shift.

At the time of the manifestation of these injuries, Petitioner was 57 years of age so he will have to live with the effects of this injury for the remainder of his working and natural life.

There was no evidence that this injury will have any effect on Petitioner's future earning capacity.

Petitioner was diagnosed with bilateral cubital tunnel syndrome and left carpal tunnel syndrome and these conditions required surgery. The cubital tunnel surgeries performed on both arms required transposition of the ulnar nerve and lengthening of the flexor pronator tendon. Petitioner still has some residual complaints that are consistent with the injuries he sustained.

  
William R. Gallagher, Arbitrator