NO. 1-10-1052WC

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

WORKERS' COMPENSATION COMMISSION DIVISION

WALSH CONSTRUCTION COMPANY,	) Appeal from the
	) Circuit Court of
Appellant,	) Cook County.
	)
v.	) No. 08-L-051297
	)
THE ILLINOIS WORKERS' COMPENSATION	) Honorable
COMMISSION *et al.*	) Elmer Tolmaire III,
(Karl Dye, Appellee).	) Judge, presiding.

JUSTICE STEWART delivered the judgment of the court.
Presiding Justice McCullough and Justices Hoffman, Hudson, and Holdridge concurred in the judgment.

ORDER

Held: The Commission's finding that the claimant's repetitive trauma injury manifested itself on September 25, 2006, and that it arose out of and in the course of his employment is not against the manifest weight of the evidence.

The claimant, Karl Dye, filed an application for adjustment of claim against his employer, Walsh Construction Company, seeking workers' compensation benefits for alleged injuries to his hands, carpal tunnel syndrome, caused by repetitive trauma. The claim proceeded to an expedited arbitration hearing under Section 19(b) of the Workers' Compensation Act (the Act) (820 ILCS 305/19(b) (West 2006)).

On October 19, 2007, the arbitrator found that the claimant sustained accidental injuries that arose out of and in the course of his employment. The arbitrator found that the date of the accident was September 25, 2006, the date his condition was certified by Dr. Jovanovic as being related to his employment. The arbitrator determined that the claimant gave the employer timely notice of the accident. He further found that the claimant's condition of ill-being was causally related to the injury. He determined that the claimant's average weekly wage was $1,832.41. The arbitrator ordered the employer to pay for medical expenses incurred by the claimant and to pay for prospective medical treatment in the form of surgical intervention to be performed by Dr. Fernandez.

The employer appealed to the Illinois Workers' Compensation Commission (Commission) which modified the average weekly wage to $1,590, and affirmed and adopted all other aspects of the arbitrator's decision. One Commissioner dissented. The employer filed a timely petition for review in the circuit court of Cook County. The circuit court confirmed the Commission's order, and the employer filed a timely notice of appeal.

BACKGROUND

The claimant began working for the employer in May 2001. He testified that he is an operating engineer who primarily worked for the employer as an oiler. As part of his

duties, he operated heavy equipment, including cranes, loaders, bulldozers, and bobcats. When operating machinery, he used his hands to move levers, pulleys, and joysticks. As an oiler, he greased, cleaned, and maintained the equipment, and rode the equipment with the main operator.

The claimant testified that in the beginning of 2006, he noticed tingling in his hands. He stated that he was working as an oiler at the time and that he had to hold on to vibrating equipment most of the day. His hands would become fatigued and tingle. At night, the tingling would wake him up.

The claimant did not work, and was on vacation, for about five weeks during February and early March. On February 16, 2006, the claimant visited his family physician, Dr. Dragomir Jovanovic. Dr. Jovanovic's patient notes list the history of present illness as "stomach pain, numbness in fingers." Dr. Jovanovic recommended that the claimant have an electromyogram (EMG), and referred him to Dr. Ashraf Hasan.

On February 21, 2006, Dr. Hasan examined the claimant on Dr. Jovanovic's referral. In the history reported by the claimant, Dr. Hasan wrote that he saw the claimant for complaints of bilateral hand numbness with progressively worsening symptoms, and that "[t]his is not a result of any overt trauma or work-related injury." Dr. Hasan performed an EMG and found that the claimant had "bilateral median mononeuropathies at the wrists (carpal tunnel syndrome), which is primarily demyelinating." He noted that the condition was moderate in nature bilaterally, but the right carpal tunnel syndrome was worse than the left. In his report to Dr. Jovanovic, Dr. Hasan recommended the use of orthotic wrist splints at night and cortisone injections into the region of the carpal tunnels bilaterally. He stated that if those interventions failed, he would recommend a referral to

a hand surgeon. Dr. Jovanovic's records reflect that the claimant returned to see him on March 8, 2006. The notes of that visit do not reflect any discussion about whether the claimant's carpal tunnel syndrome is related to his work activities. The claimant testified that when he returned to see Dr. Jovanovic after the EMG, he recommended that the claimant receive cortisone shots and wear splints.

The claimant next saw Dr. Jovanovic on August 9, 2006, for other reasons, and the notes from that visit do not mention carpal tunnel syndrome. The next entry in his records is a letter, addressed "To Whom It May Concern," and dated September 25, 2006, in which Dr. Jovanovic wrote as follows:

> "[The claimant] was first examined by me on 02/16/2006. At that time he complained of numbness in his fingers, and informed me that his occupation was working as a heavy equipment operator. I ordered an EMG, which confirmed the diagnosis of Carpal Tunnel Syndrome. I believe that this condition is related to [the claimant's] occupation."

Dr. Jovanovic's records are silent as to the circumstances which caused him to write the letter.

By the fall of 2006, the claimant noticed that the tingling sensations in his hands became more frequent, it was harder to grip things, and the pain worsened. As a result, he told his supervisor, Chad Lockhart, about the problems with his hands. Mr. Lockhart told the claimant that it would take one or two days to get the necessary papers for him to file a workers' compensation claim. The claimant testified that it took Mr. Lockhart longer than he originally indicated to obtain the necessary paperwork, but once Mr. Lockhart received it, he filled out an injury report. The claimant testified that he was not

sure, but he believed someone at the employer's office or the employer's insurance carrier told him to obtain the letter from his doctor.

Chad Lockhart testified that he has worked as the employer's safety manager since November 2000. He stated that, at the beginning of October 2006, the claimant informed him that he had work-related carpal tunnel syndrome. Mr. Lockhart stated that the claimant said he first visited a doctor in February 2006 for problems with his hands. Mr. Lockhart reported the information to his supervisor and the insurance company. He did not recall having the claimant complete any paperwork. Mr. Lockhart testified that he did not report a date of incident or accident.

The claimant's report of injury was admitted into evidence. The report is dated October 28, 2006, and the claimant placed a note next to the date stating "reported to Chad verbally two or three weeks ago." The space for a "date of injury" was left blank. The claimant lists February 2006 as the date of his first doctor's visit and October 2006 as the date of his last doctor's visit. He lists the injury as pain and numbness in his hands, fingers, and wrists. He wrote "the injury is cumulative due to the nature of my work."

The claimant's problems with his hands worsened, and on April 5, 2007, he saw Dr. John Fernandez. Dr. Fernandez diagnosed the claimant with bilateral wrist carpal tunnel syndrome, moderate severity. He wrote: "[t]here is a definite causal relationship between [the claimant's] current symptoms and complaints and the history of his work exposure. This is not an idiopathic form of carpal tunnel syndrome and is definitely work related and should be treated as such." Dr. Fernandez recommended surgical intervention.

The claimant claimed no lost time from his employment, and has continued to work despite the fact that his hands have not improved. He testified that he last worked for the employer on January 29, 2007, and has since continued working, as an operating engineer, at Big John's Sewer, Brandenburg, and American Demolition. He testified that he has not injured his hands in any way since he received the letter from Dr. Jovanovic in September or since he saw Dr. Fernandez in April.

Beth Carter of Risk Enterprise Management, the employer's workers' compensation carrier, recorded a conversation with the claimant on November 7, 2006. The claimant introduced a copy of a transcript of the conversation into evidence, without objection from the employer. The following notation is located at the top of the first page of the transcript: "BAD AUDIO - PLEASE REVIEW." There are numerous notations throughout the transcript that portions of the recording were "inaudible" or that there was "overlapping conversation" which prevented parts of the recording from being accurately transcribed. No one testified at the arbitration hearing that the transcript accurately reflected the conversation between the claimant and Ms. Carter.

In the recording, the claimant told Ms. Carter that he first went to the doctor for problems with his hands on February 16, 2006. He stated that the doctor told him he had carpal tunnel syndrome. At that time, the doctor told him to use splints and recommended cortisone shots. He opted to try the splints, but not the cortisone shots. Although it is difficult to follow the time frames in the statement, at least arguably, the claimant told Ms. Carter that his doctor told him in February or March that his carpal tunnel syndrome was likely caused by his work activities. When asked why he did not report his injury to the employer in February or March of 2006, the claimant stated that it

was because he wanted to see if the splints would help, but they did not and his injury had progressively worsened.

At the request of the employer, Dr. Michael Vender evaluated the claimant on June 15, 2007, and diagnosed him with bilateral carpal tunnel syndrome. He recommended surgery. Dr. Vender stated that he discussed the claimant's work activities with him and reviewed a written job description of an "oiler." He concluded that the claimant's condition was not related to his work activities.

The arbitrator found that, on September 25, 2006, the claimant sustained an accidental injury to his hands that was causally related to his work activities, gave timely notice of the accident to the employer, and that he earned an average weekly wage of $1,832.41. The arbitrator ordered the employer to pay the medical expenses incurred by the claimant and ordered the employer to pay prospective medical care in the form of surgical intervention and treatment to be rendered by Dr. Fernandez.

The Commission modified the order, finding that the claimant's average weekly wage was $1,590, but otherwise affirmed and adopted the arbitrator's decision, and remanded the case to the arbitrator for further proceedings. One Commissioner dissented. The circuit court of Cook County confirmed the Commission's decision. The employer filed a timely notice of appeal.

ANALYSIS

The employer first argues that the finding of the Commission that the date that the claimant's repetitive trauma injury manifested itself was September 25, 2006, is against the manifest weight of the evidence. The employer asserts that the claimant's injury manifested itself in February 2006, when he first sought medical treatment. The

employer reasons that since the claimant did not report the injury until October, he failed to give timely notice of the injury and should be barred from receiving benefits.

Our supreme court has held that "an injury sustained as a result of work-related repetitive trauma is compensable under the Workers' Compensation Act without a finding that the injury occurred as a result of one specific incident traceable to a definite time, place and cause." *Peoria County Belwood Nursing Home v. Industrial Comm'n*, 115 Ill. 2d 524, 529, 505 N.E.2d 1026, 1028 (1987). The court reasoned as follows:

> "Requiring complete collapse in a case like the instant one would not be beneficial to the employee or the employer because it might force employees needing the protection of the Act to push their bodies to a precise moment of collapse. Simply because an employee's work-related injury is gradual, rather than sudden and completely disabling, should not preclude protection and benefits. The Act was intended to compensate workers who have been injured as a result of their employment. To deny an employee benefits for a work-related injury that is not the result of a sudden mishap or completely disabling penalizes an employee who faithfully performs job duties despite bodily discomfort and damage." *Peoria Belwood*, 115 Ill. 2d at 529-30, 505 N.E.2d at 1028.

The *Peoria Belwood* court recognized, however, that although repetitive trauma injuries do not occur on a definite date, it is still necessary to determine a date of accident for statute of limitations purposes and otherwise. The court stated:

> "We therefore hold that the date of an accidental injury in a repetitive-trauma compensation case is the date on which the injury 'manifests itself.' 'Manifests itself' means the date on which both the fact of the injury and the causal

relationship of the injury to the claimant's employment would have become plainly apparent to a reasonable person." *Peoria Belwood*, 115 Ill. 2d at 531, 505 N.E.2d at 1029.

The employer argues that the record in this case establishes that, in February of 2006, the claimant was told by his doctor that he had carpal tunnel syndrome and that it was related to his work activities. Thus, the employer concludes, under the above holding in *Peoria Belwood*, the claimant's injury manifested itself in February 2006 since by then the fact of his injury and its relationship to his employment should have been plainly apparent to a reasonable person. Since notice of the accident was not given to the employer until October 2006, the employer argues that the claimant is barred from receiving benefits for failing to comply with the 45-day notice requirement contained in the Act. 820 ILCS 305/6(c) (West 2006). The claimant argues that even if the *Peoria Belwood* definition for the date of manifestation of a repetitive trauma injury was strictly applied, the decision of the Commission is not against the manifest weight of the evidence. The claimant further argues that cases decided after *Peoria Belwood* require that additional factors be considered in determining the manifestation date, and that considering the evidence in this case, the decision of the Commission should be upheld. We agree with the claimant.

"The phrase 'repetitive trauma' was developed in order to establish a date of accidental injury for purposes of determining when limitations statutes, and notice requirements, begin to run." *Edward Hines Precision Components v. Industrial Comm'n*, 356 Ill. App. 3d 186, 194, 825 N.E.2d 773, 780 (2005). "The categorization of an injury as due to repetitive trauma and the corresponding establishment of an injury date are

necessary to fulfill the purpose of the Act to compensate workers who have been injured as a result of their employment." *Edward Hines Precision Components*, 356 Ill. App. 3d at 194, 825 N.E.2d at 780. The recognition of an injury date allows an employee to be compensated for injuries that develop gradually, without requiring an employee to push his body to the point of collapse. *Edward Hines Precision Components*, 356 Ill. App. 3d at 194, 825 N.E.2d at 780.

An employee who suffers from a repetitive-trauma injury must meet the same standard of proof as an employee who suffers a sudden injury. *Durand v. Industrial Comm'n*, 224 Ill. 2d 53, 64, 862 N.E.2d 918, 924 (2006). An employee suffering from a repetitive-trauma injury must point to a date on which both the injury and its causal link to his employment would have become plainly apparent to a reasonable person. *Durand*, 224 Ill. 2d at 65, 862 N.E.2d at 924. "[T]he Commission should weigh many factors in deciding when a repetitive-trauma injury manifests itself." *Durand*, 224 Ill. 2d at 71, 862 N.E.2d at 928.

The date of accident in a repetitive-trauma injury is a question of fact for the Commission to determine. *Oscar Mayer & Company v. Industrial Comm'n*, 176 Ill. App. 3d 607, 611, 531 N.E.2d 174, 176-77 (1988). "Fact determinations are against the manifest weight of the evidence only when an opposite conclusion is clearly apparent-that is, when no rational trier of fact could have agreed with the agency." *Durand*, 224 Ill. 2d at 64, 862 N.E.2d at 924.

We first note that, even if we were to apply the *Peoria Belwood* definition of the manifestation date narrowly, as the employer urges, we would not find that the decision of the Commission is against the manifest weight of the evidence. The employer bases

much of its argument on the assertion that the claimant's doctor told him in February 2006 that his carpal tunnel syndrome is work-related. However, the only support in the record for that claim is contained in the transcript of the recorded statement taken by the employer's insurance adjuster. The transcript reveals on its face that the recording was difficult to transcribe and its content was not authenticated by any witness. The medical records of Dr. Jovanovic and Dr. Hasan contain no reference to the claimant being told that his condition was related to his occupation. In fact, Dr. Hasan recorded by history that it was not work-related. The claimant was never questioned about the critical issue of when he knew or was told his condition was work-related during his testimony at the arbitration hearing. It is within the province of the Commission to determine the weight to be given evidence, and under the circumstances, the Commission would have been justified in giving the transcript little weight. The medical records support the Commission's decision that the relationship between the claimant's condition and his work was not plainly apparent until Dr. Jovanovic's September 25, 2006, letter. Regardless, we need not apply the narrow interpretation of *Peoria Belwood* urged by the employer.

In *Oscar Mayer*, the court examined how to fix the date of accident for an employee suffering from a repetitive-trauma injury when the employee is diagnosed by a doctor with a work-related repetitive trauma injury, but continues to work. *Oscar Mayer*, 176 Ill. App. 3d at 609, 531 N.E.2d at 175. In 1981, the employee was diagnosed with bilateral carpal tunnel syndrome by a company doctor, and refused surgery, instead opting for more conservative treatment. In 1982, the employee had further testing which showed that his condition was becoming progressively worse. On May 6, 1983, the employee had

a third nerve conduction test that confirmed his deteriorating condition, and he finally consented to surgery. The employee alleged his date of injury was May 11, 1983, the last day he was exposed to repetitive trauma. The arbitrator and Commission awarded the employee benefits under the Act, but the circuit court reversed, finding that the employee failed to prove that May 11, 1983, was the date of the accident.

On appeal, the employee conceded that he knew of his injury and its relationship to his employment prior to May 11, 1983, and that if the *Peoria Belwood* manifestation test were applied in its narrowest sense, his claim for benefits would fail. The employee argued, however, that in determining the manifestation date, courts should also consider when a repetitive trauma injury progresses to the point of causing a disability, rather than simply determining the first date a worker learns of a condition and its cause. The appellate court held that the Commission did not err in determining that the date the accident manifested itself was the last day the employee worked before his surgery to correct his carpal tunnel syndrome, and stated:

> "We conclude nothing in this court's decisions or the supreme court opinion in *Peoria Belwood* constrains us to adopt the narrow interpretation of that opinion urged by respondent and applied by the trial court. To always require an employee suffering from a repetitive-trauma injury to fix, as the date of accident, the date the employee became aware of the physical condition, presumably through medical consultation, and its clear relationship to the employment is unrealistic and unwarranted.
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> By their very nature, repetitive-trauma injuries may take years to develop to a point of severity precluding the employee from performing in the workplace. An

> employee who discovers the onset of symptoms and their relationship to the employment, but continues to work faithfully for a number of years without significant medical complications or lost working time, may well be prejudiced if the actual breakdown of the physical structure occurs beyond the period of limitation set by statute. (Citation) Similarly, an employee is also clearly prejudiced in the giving of notice to the employer (citation) if he is required to inform the employer within 45 days of a definite diagnosis of the repetitive-traumatic condition and its connection to his job since it cannot be presumed the initial condition will necessarily degenerate to a point at which it impairs the employee's ability to perform the duties to which he is assigned. Requiring notice of only a *potential* disability is a useless act since it is not until the employee actually becomes disabled that the employer is adversely affected in the absence of notice of the accident.
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> In short, we hold the term 'fact of the injury' as used by the supreme court in *Peoria Belwood* (citation) is not synonymous with 'fact of discovery.' " (Emphasis in original.) *Oscar Mayer*, 176 Ill. App. 3d at 610-11, 531 N.E.2d at 176-77.

In *Durand*, the supreme court quoted with approval the foregoing analysis set forth in *Oscar Meyer*. *Durand*, 224 Ill. 2d at 68, 862 N.E.2d at 926-27. In that case, the employee reported to her employer on January 29, 1998, that she had been experiencing what she believed was work-related pain in her hands since September or October 1997. She continued to work, but her pain increased, and she eventually sought medical attention in the fall of 2000. On September 8, 2000, the employee was examined by a

physician, who conducted an EMG, and diagnosed her with work-related mild or early carpal tunnel syndrome. The employee filed an application for workers' compensation benefits in January of 2001, and listed the date of the accident as September 8, 2000, the date her doctor confirmed the diagnosis and its relation to her employment. The arbitrator found that the employee sustained a work-related injury on September 8, 2000, and awarded benefits. The Commission reversed, finding that the application was filed outside the three-year limitations period, since the injury and its causal relationship to her employment was plainly apparent to the employee and a reasonable person in September or October of 1997. The trial court confirmed the Commission's decision, and the appellate court affirmed the trial court.

The supreme court agreed with the analysis of the appellate court in *Oscar Mayer* and held that "because repetitive-trauma injuries are progressive, the employee's medical treatment, as well as the severity of the injury and particularly how it affects the employee's performance, are relevant in determining objectively when a reasonable person would have plainly recognized the injury and its relation to work." *Durand*, 224 Ill. 2d at 72, 862 N.E.2d at 929. The court found that in 1997, the employee's condition was not so constant or severe that it warranted medical treatment or reassignment to different work. The court held that a reasonable person would not have known of the injury and its putative relationship to her work before the employee's medical treatment in 2000, and it was against the manifest weight of the evidence to conclude otherwise. The court stated, "[w]e decline to penalize an employee who diligently worked through progressive pain until it affected her ability to work and required medical treatment." *Durand*, 224 Ill. 2d at 74, 862 N.E.2d at 930.

In the instant case, the employer argues that the Commission erred in determining that the manifestation date was September 25, 2006, because the claimant was not examined by Dr. Jovanovic on that date, and Dr. Jovanovic's letter was merely a formality attesting to what was already evident. The employer argues that the manifestation date of the injury was February of 2006, when the EMG confirmed Dr. Jovanovic's carpal tunnel syndrome diagnosis and the claimant was advised by his doctor, according to the recorded statement, that his condition was work-related. In February, the employer asserts, the fact of injury and its causal relationship to the claimant's work should have been plainly apparent to a reasonable person. Additionally, the employer stresses that the date of Dr. Jovanovic's letter bears no relationship to when the claimant became disabled since he did not stop working on September 25, 2006, and in fact continued to work until the arbitration hearing.

The claimant first sought medical treatment for tingling in his hands on February 16, 2006. On February 21, 2006, Dr. Hasan performed an EMG on the claimant and diagnosed him with bilateral carpal tunnel syndrome. In his patient notes, he wrote that the claimant's condition was "not a result of overt trauma or work-related injury." He recommended conservative treatment and stated that if it failed he would refer the claimant to a surgeon. The claimant testified that he opted to try the conservative treatment to see if it would improve his condition. He was able to continue working. The claimant testified that by the fall of 2006, the tingling sensations in his hands had increased in frequency, it was more difficult for him to grip things, and his pain had worsened. At that point, he decided to report his injury to his supervisor. He testified that someone from the employer told him to obtain a letter from his physician. On

September 25, 2006, Dr. Jovanovic wrote a letter stating that the claimant suffered from carpal tunnel syndrome related to his occupation.

When he initially diagnosed the claimant's condition Dr. Hasan specifically stated that it was not work related. After his initial diagnosis, the claimant's condition had not degenerated to the point that it impaired his ability to perform his job. However, as is the case with repetitive-trauma injuries, the claimant's injury became progressively worse. It was not until the fall of 2006 that it reached the point that it was disabling. It was then that the claimant received a letter from Dr. Jovanovic that clearly linked his injury to his employment. By insisting the manifestation date is February 2006, the employer urges us to penalize the claimant for working through progressive pain until it affected his work and necessitated medical intervention, contrary to the holdings in *Oscar Meyer* and *Durand*. The Commission's determination that the manifestation date of the claimant's repetitive-trauma injury was September 25, 2006, is not against the manifest weight of the evidence. Since the claimant notified the employer of his injury at the beginning of October 2006, his notification fell well within 45 day notification limitation imposed by section 6(c) of the Act. 820 ILCS 305/6(c) (West 2006)

The employer next argues that the Commission's determination that the claimant's injury arose out of and in the course of his employment is against the manifest weight of the evidence. "Whether an injury arises out of and in the course of a claimant's employment is a question of fact for the Commission." *Kishwaukee Community Hospital v. Industrial Comm'n*, 356 Ill. App. 3d 915, 922, 828 N.E.2d 283, 290 (2005). "It is the function of the Commission to resolve disputed questions of fact, including those of causal connection, to decide which of the conflicting medical views is to be

accepted, and to judge the credibility of the witnesses and draw permissible inferences from the evidence." *Kishwaukee Community Hospital*, 356 Ill. App. 3d at 920, 828 N.E.2d at 289. A reviewing court may not discard the Commission's findings merely because different inferences could be drawn from the same evidence. *Kishwaukee Community Hospital*, 356 Ill. App. 3d at 920, 828 N.E.2d at 289. A reviewing court will reverse the Commission only if its fact determinations are against the manifest weight of the evidence or its decision is contrary to law. *Durand*, 224 Ill. 2d at 64, 862 N.E.2d at 924.

An employee who alleges a repetitive-trauma injury must meet the same standard of proof as other claimants alleging accidental injury and must show that the injury is work related and not the result of the normal aging process. *Edward Hines Precision Components*, 356 Ill. App. 3d at 194, 825 N.E.2d at 780. "In cases relying on the repetitive-trauma concept, the claimant generally relies on medical testimony establishing a causal connection between the work performed and claimant's disability." *Williams v. Industrial Comm'n*, 244 Ill. App. 3d 204, 209, 614 N.E.2d 177, 180 (1993). "A claimant need only prove that some act or phase of employment was a causative factor of the resulting injury." *Williams*, 244 Ill. App. 3d at 209, 614 N.E.2d at 180.

The employer argues that the record contains insufficient evidence to establish causation under the Act. It asserts that because Dr. Jovanovic's and Dr. Fernandez's records do not provide details about the claimant's job duties, and because there was no expert testimony as to the repetitive nature of the claimant's work, he failed to meet his burden as to causation.

"[T]here is no requirement that there be any doctor's testimony to establish causation when the record contains medical evidence consistent with claimant's testimony and the findings of the treating doctor." *Fierke v. Industrial Comm'n*, 309 Ill. App. 3d 1037, 1041, 723 N.E.2d 846, 850 (2000). In the instant case, the claimant testified that his job as an operating engineer entailed operating heavy equipment. To operate the equipment, he had to use his hands to work the levers, pulleys, and joysticks. He also worked as an oiler, and he had to use his hands to pull pins, pull cables, loosen and tighten parts, clean the tracks with a spade, and carry heavy items needed for the job. Additionally, he testified that, when working as an oiler, he had to hold on to vibrating equipment all day. He stated that by the end of the day his hands would be fatigued and would hurt and tingle. The claimant stated that in September 2006, he was working as an oiler on a Hitachi 1200. He spent half an hour twice per day greasing the machine. This required him to squeeze a grease gun and hold it in "odd, awkward positions." While working on the Hitachi 1200, he had to hold the machine extra tightly because of the way the operator operated the machine.

In Dr. Jovanovic's letter dated September 25, 2006, he stated that when he first examined the claimant for numbness of his fingers, the claimant informed him that he was a heavy equipment operator. Dr. Jovanovic wrote that the claimant's carpal tunnel syndrome was related to his occupation. In Dr. Fernandez's patient history from his April 5, 2007 exam, he wrote that the claimant attributed his symptoms to his work activities because of the significant onset during work activities and the further worsening with those activities. Dr. Fernandez concluded that:

> "There is a definite causal relationship between [the claimant's] current symptoms and complaints and the history of his work exposure. This is not an idiopathic form of carpal tunnel syndrome and is definitely work related and should be treated as such."

While Dr. Vender agreed that the claimant suffered from carpal tunnel syndrome, he felt that it was not work related.

The Commission adopted the findings of the arbitrator who found that the claimant:

> "testified in a credible manner that he must use his hands repetitively during the course of carrying out his duties. Of special note is the fact that during the course of his workday he is required to use his hands in a strong, forceful way to hang on to a vibrating machine that is operated by another coworker; this would account for the symptomology that [the claimant] suffered."

The arbitrator further found that "[t]he opinions contained in Dr. Jovanovic's records, as well as the conclusions rendered by Dr. Fernandez are credible and sufficient to demonstrate a causal link between the work activity of repetitive use of the hands" and the claimant's condition. The Commission found the claimant to be credible, weighed the conflicting medical evidence, and accepted the opinions of Dr. Jovanovic and Dr. Fernandez. The Commission's fact determination that the claimant's carpal tunnel syndrome arose out of and in the course of his employment is not against the manifest weight of the evidence.

CONCLUSION

For the foregoing reasons, the judgment of the circuit court, confirming the Commission decision, is affirmed, and this cause is remanded to the arbitrator for further

proceedings pursuant to *Thomas v. Industrial Comm'n*, 78 Ill. 2d 327, 399 N.E.2d 1322 (1980).

Affirmed and remanded.