

Workers' Compensation  
Commission Division  
Filed: September 25, 2013

No. 4-12-1032WC

**NOTICE:** This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

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IN THE APPELLATE COURT OF ILLINOIS  
FOURTH JUDICIAL DISTRICT  
WORKERS' COMPENSATION COMMISSION DIVISION

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ROBERT BOCKEWITZ,	)	Appeal from the
	)	Circuit Court of
Appellant,	)	Sangamon County
	)	
v.	)	
	)	No. 12 MR 163
ILLINOIS WORKERS' COMPENSATION	)	
COMMISSION, <i>et al.</i> ,	)	
(Freeman United Coal,	)	Honorable
	)	John Schmidt
Appellee).	)	Judge Presiding
	)	

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JUSTICE HOFFMAN delivered the judgment of the court.  
Presiding Justice Holdridge and Justices Hudson, Harris, and Stewart concurred in the judgment.

**ORDER**

- ¶ 1 *Held:* The Illinois Workers' Compensation Commission's finding, that the claimant's carpal tunnel condition is not causally related to his employment, is not against the manifest weight of the evidence.
- ¶ 2 The claimant, Robert Bockewitz, appeals from an order of the circuit court of Sangamon County confirming a decision of the Illinois Workers' Compensation Commission (Commission),

No. 4-12-1032WC

which denied him benefits under the Workers' Compensation Act (Act) (820 ILCS 305/1 *et seq.* (West 2006)), for carpal tunnel injuries he alleged manifested themselves as a result of repetitive trauma from his employment with Freeman United Coal (Freeman). For the reasons that follow, we affirm the circuit court's judgment.

¶ 3 Before the arbitrator, the claimant's current application was consolidated with concurrent claims he raised relating to an August 27, 2007, workplace accident with Freeman. The claimant asserts that his carpal tunnel condition manifested itself near the time of that accident. We discuss all the relevant facts adduced at that hearing in our resolution of an appeal the claimant raised from the same circuit court order confirming the Commission's decision to deny him benefits for those other claims. See *Bockewitz v. Illinois Workers' Compensation Comm'n*, 2013 IL App (4th) 121031. We hereby incorporate our recitation of the facts of that appeal into the instant decision.

¶ 4 Following the hearing, the arbitrator found that the claimant's alleged carpal tunnel condition is not compensable under the Act, because he failed to prove that it is causally related to his employment. The arbitrator relied on medical records indicating that the claimant had carpal tunnel syndrome that had progressed to demyelination before August 30, 2007, as well as medical testimony that the claimant's September 4, 2007, EMG could not have shown any demyelination as a result of an August 27 accident. The arbitrator also noted that the claimant had already settled a workers' compensation claim against Freeman relating to his carpal tunnel syndrome.

¶ 5 The claimant sought review of the arbitrator's decision before the Commission. In an order entered on May 15, 2012, the Commission unanimously affirmed and adopted the arbitrator's decision.

No. 4-12-1032WC

¶ 6 Thereafter, the claimant sought judicial review of the Commission's decision in the circuit court of Sangamon County. On October 12, 2012, the circuit court confirmed the Commission's decision, and this appeal followed.

¶ 7 On appeal, the claimant argues that the Commission erred in finding that his carpal tunnel condition is not causally related to his employment. In a workers' compensation case, the claimant has the burden of proving, by a preponderance of the evidence, some causal relation between his employment and his injury. *Caterpillar Tractor Co. v. Industrial Comm'n*, 129 Ill. 2d 52, 63, 541 N.E.2d 665 (1989). Compensation may be awarded under the Act for a claimant's condition of ill-being even though the conditions of his or her employment do not constitute the sole, or even the principal, cause of injury. *Brady v. Louis Ruffolo & Sons Construction Co.*, 143 Ill. 2d 542, 548, 578 N.E.2d 921 (1991); *Fierke v. Industrial Comm'n*, 309 Ill. App. 3d 1037, 1040, 723 N.E.2d 846 (2000). In order to constitute an accidental injury within the meaning of the Act, the claimant need only show that some act or phase of the employment was a causative factor of the resulting injury. *Fierke*, 309 Ill. App. 3d at 1040. The relevant question is whether the evidence supports an inference that the accidental injury aggravated the condition or accelerated the processes that led to the claimant's current condition of ill-being. *Mason & Dixon Lines, Inc. v. Industrial Comm'n*, 99 Ill. 2d 174, 181-82, 457 N.E.2d 1222 (1983); *Freeman United Coal Mining Company v. Industrial Comm'n*, 318 Ill. App. 3d 170, 173-74, 741 N.E.2d 1144 (2001).

¶ 8 Whether a causal relationship exists between a claimant's employment and his injury is a question of fact to be resolved by the Commission. *Certi-Serve, Inc. v. Industrial Comm'n*, 101 Ill. 2d 236, 244, 461 N.E.2d 954 (1984). The Commission's determination on a question of fact will not

No. 4-12-1032WC

be disturbed on review unless it is against the manifest weight of the evidence. *Orsini v. Industrial Comm'n*, 117 Ill. 2d 38, 44, 509 N.E.2d 1005 (1987). For a finding of fact to be contrary to the manifest weight of the evidence, an opposite conclusion must be clearly apparent. *Caterpillar, Inc. v. Industrial Comm'n*, 228 Ill. App. 3d 288, 291, 591 N.E.2d 894 (1992).

¶ 9 To argue that the Commission's finding regarding his carpal tunnel condition is against the manifest weight of the evidence, the claimant relies on Dr. Gill's testimony that his job duties could lead to carpal tunnel syndrome, as well as his own testimony that his symptoms corresponded with his work. However, as the Commission observed, the claimant's physicians noted demyelination in his wrists long before his fall, and unrefuted medical testimony established that this preexisting demyelination, and not a new condition, was shown in the post-accident reports the claimant entered into evidence. Thus, aside from subjective statements about his pain, the claimant offered no evidence to establish that a new or exacerbated carpal tunnel condition manifested itself on August 30, 2007. Accordingly, we conclude that the Commission's finding is not against the manifest weight of the evidence. For that reason, we affirm the circuit court's judgment, which confirmed the Commission's decision.

¶ 10 Affirmed.