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IN THE  
APPELLATE COURT OF ILLINOIS  
FOURTH DISTRICT

PAULA MOHR,	)	Appeal from the Circuit Court
	)	of Champaign County.
	)	
Appellant,	)	
	)	
v.	)	No. 12 MR 544
	)	
ILLINOIS WORKERS' COMPENSATION	)	
COMMISSION, <i>et al.</i> ,	)	
(SILGAN CLOSURES,	)	Honorable
	)	Thomas J. Difanis
Appellee).	)	Judge, Presiding.

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 Commission's finding, that the claimant failed to prove that her injuries are causally connected to her employment, is not against the manifest weight of the evidence.

¶ 2 The claimant, Paula Mohr, appeals from an order of the Circuit Court of Champaign County which confirmed a decision of the Illinois Workers' Compensation Commission (Commission), denying her benefits under the Workers' Compensation Act (Act) (820 ILCS 305/1 *et seq.* (West 2008)) for repetitive trauma injuries which she alleged that she sustained

while working for Silgan Closures (Silgan). For the reasons which follow, we affirm the judgment of the circuit court.

¶ 3 The following factual recitation is taken from the evidence presented at an arbitration hearing conducted on August 18, 2010, which includes: the testimony of the claimant; her medical records; the testimony of Dr. William Price, the claimant's treating physician; Julie Dockham, Silgan's human resource director; and Dr. James Kohlmann, Silgan's expert witness.

¶ 4 The claimant testified that she had worked for Silgan as a box assembly line packer for approximately three years. Her duties as a packer included folding plastic liners inside boxes and then taping them shut. She also performed in a box auditing procedure called a 100% audit. This procedure involved squeezing the entire rim of a bottle cap to check for broken bands. The claimant testified that she was in charge of auditing five boxes for three lines per work shift, each box containing 1,500 to 1,800 bottle caps. The claimant testified that she would squeeze an estimated 22,500 bottle caps per day.

¶ 5 On cross-examination, the claimant admitted that her estimated 22,500 bottle cap squeezing functions varied according to how busy her line was, and that she did not have to audit every box that was in her line. Instead, each box audited was chosen at random, with some boxes going unchecked. The claimant also admitted that there were occasions when she had to audit less than five boxes per line.

¶ 6 Silgan presented a video which showed the bottle cap auditing procedure. The claimant agreed that the video depicted the process used for auditing bottle caps, but testified that the person checking the bottle caps in the video squeezed only one side of the cap; whereas, she was taught to squeeze the entire rim to check for broken bands.

¶ 7 The claimant testified that, in March 2009, she saw Dr. Alina Paul, her family physician, because she had the flu. The claimant explained to Dr. Paul that, along with her flu symptoms, she was having a lot of trouble with her hands, and thought it might be arthritis. The claimant's medical records indicate that Dr. Paul referred the claimant to Dr. William Price for an evaluation.

¶ 8 On August 26, 2009, the claimant met with Nurse Practitioner Patricia Finnegan, at Dr. Price's office at Provena Orthopedics. In her notes, Finnegan wrote that, she advised the claimant of the risks and benefits of having carpal tunnel release surgery and told her that she could try wearing wrist splints to alleviate her discomfort. According to Finnegan's notes, she gave the claimant a Medical Status Report to give to Silgan which listed the claimant's diagnoses as bilateral carpal tunnel syndrome, and stated that the claimant must wear splints while at work.

¶ 9 The claimant testified that she wore her wrist splints at work, but that she had no memory of giving Julie Dockham, Silgan's human resource director, the Medical Status Report which Finnegan had given her. The claimant also testified that she had no memory of Dockham asking her if the bilateral carpal tunnel listed on the report was work related.

¶ 10 The claimant stated that she told coworkers that she suspected her job duties as a packer might be related to her carpal tunnel problems. She also testified that she told Dockham about her carpal tunnel syndrome sometime in October of 2009, and informed her that it was work related. According to the claimant, she filled out an accident report on October 18, 2009, after she told Dockham about her carpal tunnel syndrome.

¶ 11 On November 24, 2009, the claimant began treatment with Dr. William Price at Provena Orthopedics. During her initial visit with Dr. Price, she described her work duties. She testified that Dr. Price told her that he thought her carpal tunnel was caused by her work duties. On

January 26, 2010, Dr. Price amended his notes to reflect that, at her initial office visit, the claimant reported in her own words that her hand "started to go numb and tingle about a year ago" and that she does "a lot of lifting" and uses her hands "a lot at work." He further noted that the claimant denied having "any hand issues until [she] had this job about a year," and she reported having had an "electrical stimulator and shock for carpal tunnel at [her] physical before" she started the job. He also recorded that the claimant described symptoms including numbness and tingling when driving and waking up with numb hands.

¶ 12 On November 30, 2009, the claimant filed an application for adjustment of claim, seeking benefits under the Act for repetitive trauma injuries which she alleged that she sustained as a result of her employment with Silgan.

¶ 13 The claimant continued working at Silgan until January 26, 2010. On January 27, 2010, the claimant underwent an open carpal tunnel release surgery on her left hand, which was performed by Dr. Price at Provena Covenant Medical Center. On March 31, 2010, the claimant underwent carpal tunnel release surgery on her right hand, which was also performed by Dr. Price.

¶ 14 Dr. Price testified that, on the claimant's initial visit on November 24, 2009, he diagnosed her with bilateral carpal syndrome after electrodiagnostic testing showed that both her hands were affected by the condition. He noted that the claimant was a "packer" and "doing repetitive stress." Dr. Price thought the claimant's work duties were partly responsible for her carpal tunnel syndrome. However, he admitted that he never went to the claimant's job site to view her duties; he had not viewed any video of her job duties; and that he relied solely on the claimant's description of her work duties.

¶ 15 Dr. Price also testified that he advised the claimant that she could avoid activities that caused increased discomfort and wear a splint, or proceed with open carpal tunnel release surgery. He testified that the claimant wanted to proceed with surgery.

¶ 16 According to Dr. Price, the claimant had been to his office on two occasions prior to November 24, 2009, when she was seen by his nurse practitioner, Patricia Finnegan. He reviewed a note in the claimant's medical chart made by Finnegan on August 26, 2009, which states that the claimant reported experiencing numbness in her hands for several months, and that, when she drove and went to sleep at night, her hands would go numb and start to tingle. Dr. Price admitted that, along with the claimant's work activities, as she described them, other activities outside the workplace could have contributed to the claimant's carpal tunnel syndrome.

¶ 17 Dockham testified that, on August 28, 2009, the claimant came to her with a medical status report issued by Finnegan. Dockham identified her handwritten note at the bottom of the document, which is dated August 28, 2009, and which reads "Stated not work related, been treating for six months or more, talking possible surgery need to wear splints at work." Dockham explained that she was prompted to write the note after she specifically asked the claimant if her bilateral carpal tunnel condition was caused or aggravated by her work duties. According to Dockham, the claimant told her that her condition was not work related, and she never mentioned that her doctor said it was work-related. Dockham also testified that, at no time following August 28, 2009, did the claimant come to her and inform her that she had a work related injury.

¶ 18 Regarding the claimant's work duties, Dockham testified that it was seldom that employees on the claimant's shift got more than three boxes to audit. She stated that supervisors rotate employees so that they run three lines of boxes one day, and two lines on another day.

Regarding the bottle cap inspection, Dockham testified that the force needed to grip the bottle cap was equal to the force needed to grip a pencil.

¶ 19 When asked whether she had submitted a first report of injury form, Dockham stated that she had not initially, but later submitted it when she received the application for adjustment of claim from the claimant's attorney on October 30, 2009. The first report of injury form was put into Silgan's system on October 30, 2009, and Dockham testified that Silgan had no notice of the claimant having suffered any kind of work-related accident prior to that date. According to Dockham, Silgan paid the claimant short-term disability benefits for the time period she was off work for what she represented was a non-work related injury.

¶ 20 Silgan's independent medical examiner, Dr. James Kohlmann, an orthopedic surgeon, testified that he reviewed the claimant's medical records and viewed the video that depicted her job duties. He admitted, however, that he never examined the claimant. Dr. Kohlmann stated that that the claimant's medical records which he reviewed dated back to January 2009. According to Dr. Kohlmann, he did not believe that the audit activity depicted in the video would cause or aggravate carpal tunnel syndrome. He explained that activities that could cause carpal tunnel syndrome are frequent high-force gripping, frequent high-force pinching, or constant keyboard use. Dr. Kohlmann opined that the activities in the video were "minimal" and did not involve "high force gripping or grasping." He also testified that the activities were not "overly repetitive meaning quick motions." Dr. Kohlmann went on to explain other factors that could cause carpal tunnel syndrome, such as diabetes, pregnancy, gender, and obesity.

¶ 21 Following the arbitration hearing, an arbitrator issued a decision denying the claimant benefits under the Act, finding that she failed to prove that her injuries arose out of and in the course of her employment with Silgan. In arriving at the finding in this regard, the arbitrator

relied upon Dr. Kohlmann's causation opinion which he found more persuasive than Dr. Price's opinion.

¶ 22 In addition, the arbitrator found that the date of the manifestation of the claimant's carpal tunnel symptoms was August 26, 2009, and therefore, the notice, which was not provided to Silgan until October 30, 2009, was untimely. The arbitrator found that, while Silgan had knowledge of the claimant's bilateral carpal tunnel condition on August 26, 2009, an employer's mere knowledge of some type of injury does not establish statutory notice. *Lowell White v. Illinois Workers' Compensation Commission*, 734 Ill. App. 3d 907, 873 N.E.2d 388 (4th Dist. 2007). In this case, while in the process of informing her employer about her carpal tunnel syndrome, and her need to wear splints at work, the claimant specifically told her employer that her carpal tunnel symptoms were not work-related.

¶ 23 The claimant sought a review of the arbitrator's decision before the Commission, arguing both that her current condition of ill-being was causally connected to her work and that she timely notified Silgan of her injury. The Commission affirmed and adopted the arbitrator's decision.

¶ 24 Thereafter, the claimant sought judicial review of the Commission's decision in the Circuit Court of Champaign County. The circuit court confirmed the Commission's decision, and this appeal followed.

¶ 25 On appeal, the claimant argues that the Commission's finding that she failed to prove that she sustained an injury that arose out of and in the course of her employment with Silgan is against the manifest weight of the evidence. She contends that the Commission's reliance on the medical opinion of Dr. Kohlmann was misplaced because he never examined the claimant, never asked her any questions regarding her employment or injury, and relied on the Silgan worker

video, which did not show the repetitive squeezing that she testified that she performed. She also argues that the Commission's determination that she failed to give Silgan timely notice of her injuries is also against the manifest weight of the evidence. We reject the former argument, and as a consequence, need not address the latter.

¶ 26 In a workers' compensation action, the claimant has the burden of proving, by a preponderance of the evidence, all of the elements of her claim. *O'Dette v. Industrial Comm'n*, 79 Ill. 2d 249, 253, 403 N.E.2d 221 (1980). An employee who alleges injury based on repetitive trauma must still meet the same standard of proof as other claimants alleging an accidental injury. *Peoria County Belwood Nursing Home v. Industrial Comm'n*, 115 Ill. 2d 524, 530, 505 N.E.2d 1026, 1028 (1987). That is, there must be a showing that the injury is work related and not the result of a normal degenerative aging process. *Id.* Whether a causal relationship exists between a claimant's employment and her injury is a question of fact to be resolved by the Commission, and its resolution of the issue will not be disturbed on appeal unless it is against the manifest weight of the evidence. *Certi-Serve, Inc. v. Industrial Comm'n*, 101 Ill. 2d 236, 244, 461 N.E.2d 954 (1984). In arriving at its decision, it is the function of the Commission to decide questions of fact, judge the credibility of witnesses, and resolve conflicting medical evidence. *O'Dette*, 79 Ill. 2d at 253.

¶ 27 In this case, we are unable to find that the Commission's determination, that the claimant failed to prove that she sustained an accident arising out of and in the course of her employment with Silgan, is against the manifest weight of the evidence. The Commission based its determination on the causation testimony of Dr. Kohlmann. The arbitrator's decision, which the Commission adopted, noted that Dr. Price formulated his opinion that the claimant's carpal tunnel syndrome was work related based on the claimant's description of her work duties.

However, he never viewed a job description of the claimant's duties, visited her workplace, or viewed the video depicting a Silgan employee performing the duties of the claimant's job.

¶ 28 In contrast, the Commission found it persuasive that Dr. Kohlmann viewed the video and reviewed the claimant's medical records dating back to January 1, 2009, when he concluded that the job duties depicted in the video would not cause carpal tunnel syndrome. Dr. Kohlmann opined that the activities performed by the claimant in the course of her employment with Silgan did not involve high-force gripping or grasping, or high force pinching of the fingers which can cause carpal tunnel syndrome.

¶ 29 Based on these differences, a fact finder could justifiably conclude that Dr. Kohlmann was better informed as to the claimant's job duties, and therefore his opinions were more persuasive than those of Dr. Price. As stated, it was the Commission's function to decide questions of fact, judge the credibility of witnesses, and resolve conflicting medical evidence. Given the evidence in the record, we cannot conclude that the Commission's decision that the claimant failed to prove a causal connection between her injury and her employment is against the manifest weight of the evidence.

¶ 30 Having determined that the Commission's finding, that the claimant failed to prove a causal connection between her injury and her employment with Silgan, is not against the manifest weight of the evidence, we need not address her argument that the Commission erred in finding her notice to Silgan was untimely.

¶ 31 Based upon the foregoing analysis, we affirm the judgment of the Circuit Court of Champaign County which confirmed the decision of the Commission, denying the claimant benefits under the Act.

¶ 32 Affirmed.