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2015 IL App (2d) 130696WC-U

FILED: April 13, 2015

NO. 2-13-0696WC

IN THE APPELLATE COURT

OF ILLINOIS

SECOND DISTRICT

WORKERS' COMPENSATION COMMISSION DIVISION

| | | |
|--|---|-------------------|
| INDEPENDENT MECHANICAL INDUSTRIES, INC., |) | Appeal from |
| |) | Circuit Court of |
| Appellee, |) | DuPage County |
| |) | No. 12MR1386 |
| v. |) | |
| THE ILLINOIS WORKERS' COMPENSATION |) | Honorable |
| COMMISSION <i>et al.</i> (Jim Henriksen, Appellant). |) | Terence M. Sheen, |
| |) | Judge Presiding. |

JUSTICE HARRIS delivered the judgment of the court.
Justices Hoffman, Hudson, and Stewart concurred in the judgment.
Presiding Justice Holdridge dissented.

ORDER

¶ 1 *Held:* The circuit court properly reversed the Commission's decision where it was not supported by the record and against the manifest weight of the evidence.

¶ 2 In August 2006, claimant, Jim Henriksen, filed an application for adjustment of claim pursuant to the Workers' Compensation Act (Act) (820 ILCS 305/1 to 30 (West 2004)), seeking benefits from the employer, Independent Mechanical Industries, Inc, for alleged repetitive-trauma injuries to his right hand. Following a hearing, the arbitrator determined claimant failed to prove his entitlement to benefits under the Act and denied him compensation. On re-

view, the Illinois Workers' Compensation Commission (Commission), with one commissioner dissenting, reversed. It determined claimant sustained work-related, accidental injuries to his right hand on November 22, 2005, and found the current condition of ill-being in claimant's right hand was causally connected to his work accident. The Commission awarded claimant (1) four weeks' temporary total disability (TTD) benefits, (2) medical expenses in the amount of \$10,363, and (3) permanent partial disability (PPD) benefits for a 15% loss of use of claimant's right hand.

¶ 3 On judicial review, the circuit court of DuPage County reversed the Commission's decision, finding it was against the manifest weight of the evidence. Claimant appeals, arguing the Commission's findings were not against the manifest weight of the evidence and it correctly determined his right-handed carpal tunnel syndrome was causally connected to his work for the employer. We affirm.

¶ 4 I. BACKGROUND

¶ 5 At arbitration, claimant alleged he sustained right-handed carpal tunnel injuries, which arose out of and in the course of his employment on November 22, 2005, approximately six months after he began working for the employer (case No. 06WC033479). He also filed workers' compensation claims with respect to his left hand (case Nos. 06WC33478 and 09WC23963). All of his claims were consolidated before the arbitrator. On appeal, only the alleged injuries to claimant's right hand are at issue.

¶ 6 Claimant, who was 67 years old at the time of arbitration, testified he worked as a plumber for over 39 years. He was retired but last worked as a plumber for the employer at O'Hare International Airport (O'Hare) from May 12, 2005, to January 25, 2008. Claimant estimated he previously worked for 15 to 20 other employers over the years. All of his previous positions involved "construction plumbing"—meaning he worked as a plumber in the construction

industry—and required quite a bit of heavy, repetitive grasping. Claimant described his previous work activities as including roughing in batteries, toilets, and cast iron piping; putting shelves in concrete; cutting and threading pipe; cutting copper water lines; hanging cast iron pipes; hanging sanitary waste lines; and setting up the prefab for toilets. He used various tools, including chain snappers, chop saws, tubing cutters, a right-angle drill, hammers, chainfalls, and come-alongs.

¶ 7 Claimant testified he worked as a plumber for the employer and "that's all." While working for the employer, his primary responsibility was to check the airport's restroom fixtures to make sure they were working properly and not leaking. He had a regular route he worked each day and his activities of checking fixtures included "[a]ctivating the electric flush" on toilets and activating electric sinks with his hand. At arbitration, the employer submitted over 900 pages of "daily activity sheets," documenting claimant's daily job activities for the employer. Claimant testified he prepared the "daily activity sheets" as part of his work for the employer and they consisted of a "daily record of what [he] did."

¶ 8 Claimant's "daily activity sheets" showed he spent the majority of his time at work on the task of "check[ing] plumbing." Claimant noted he performed other tasks, some of which he testified involved heavy, repetitive grasping, including (1) using a closet auger to remove a blockage from a wall-hung toilet, (2) using a 1500 rodding machine to open up bigger pipes in the plumbing system, (3) rodding slop sink drains, (4) removing debris from the impeller of ejector pumps, (5) replacing a P trap and using channel locks to break nuts loose, and (6) repairing a leak at the hose bib. On cross-examination, claimant acknowledged he performed those tasks occasionally and not every day. Further, he acknowledged that if he visited a restroom and there was nothing to fix, he would not perform any repetitive, heavy, or forceful activities with his hands. If he performed any specific tasks while working, those tasks would have been listed

on his "daily activity sheets."

¶ 9 Claimant also pushed a cart around while performing his job duties. He testified the first cart he used was "real high" and "pretty heavy." Claimant stated he handled the cart by grasping it with both hands. He used that cart approximately two to three hours each day. The second cart claimant used was much lower, lighter, and easier to handle. He stated the only time he would grasp a cart hard was to avoid hitting someone with the cart. Additionally, claimant testified he sometimes had to wait until the women's restrooms were empty before he could perform his job duties. He acknowledged that, while waiting, he would not be performing any hand activities.

¶ 10 Claimant testified that, when working for the employer in 2005, his work partner left him and his work load increased. He first began noticing carpal tunnel symptoms in his right hand in November 2005. Claimant noted he would wake up at night and his hand would feel "dead." He denied seeking medical treatment for carpal tunnel related symptoms prior to 2005.

¶ 11 The employer presented the testimony of Raymond Campbell, the employer's plumbing foreman at O'Hare. Campbell testified he had been a union plumber since 1988. He stated the employer's function at O'Hare was to maintain the restrooms on the Concourse level, where passengers get on and off the airplanes. The employer had approximately 16 plumbers working at O'Hare.

¶ 12 Campbell testified he was claimant's supervisor and worked with claimant on a daily basis. According to Campbell, each terminal at O'Hare had a crew of plumbers whose "main function was to go through each Men's and Women's restroom and check all of the plumbing fixtures," including soap and towel dispensers, toilets, and urinals. He described the manner in which those tasks were performed, stating as follows:

"If you are going to check the dispenser, you would hit the pump and make sure the soap came out. If you're going to check the foam soap dispenser that was mounted on the wall, you would hit it to make sure the soap came out. The roll towel dispenser, grab the handle and pull down on the handle with two fingers, make sure the paper came out. You'd walk up to the toilet, and the electric toilets had electronic eyes. You can stand in front of it or press the button to make sure it flushed and that the fixture wasn't stopped up."

Campbell testified no repetitive forceful use of hands was necessary if everything in the restroom was working properly. He agreed that claimant did not work for the employer as a "construction plumber."

¶ 13 Campbell also reviewed claimant's "daily activity sheets." He testified they accurately depicted the tasks claimant performed while working for the employer. The record reflects the "daily activity sheets" admitted into evidence began with claimant's "daily activity sheet" for August 1, 2005, rather than in May 2005, when claimant began working for the employer. However, Campbell testified the tasks claimant performed from May to August 2005, were similar to the tasks he performed throughout the remainder of 2005.

¶ 14 Campbell testified that "not a lot" of force was used when using a closet auger. He stated claimant would only use a closet auger when he found a toilet stopped up, which he estimated to be 10 times per week. Campbell testified a K50 was a small electric rodder and required "not much" force. He stated claimant would use a K50 when, for example he found a stoppage in the urinal main. Campbell denied that claimant was required to perform tasks that

required repetitive, forceful use of his hands on a daily basis. On cross-examination he agreed some plumbing tasks would require forceful repetitive grasping.

¶ 15 With respect to claimant's statement that he "lost his partner," Campbell testified that when a special project came up he would "pull guys out of" their regular position of checking terminal restrooms to work on the special project. He stated the task of inspecting various restrooms was one that could be performed by a single plumber and was "done all the time."

¶ 16 On December 15, 2005, claimant began seeing Dr. Daniel Nagle, a specialist in orthopedic surgery. Dr. Nagle's records describe claimant as a right-handed plumber who reported "his right hand would fall asleep for a number of years" and that, in November 2005, "he noticed that his fingers were going 'dead.' " His records further state as follows:

"[Claimant] states that he lost his partner November 1, 2005[,] and has been working harder. In fact, on November 22 is when he first noted the severe nocturnal symptoms. He relates this to an increased work load."

Dr. Nagle noted claimant had undergone electrophysiologic studies, and diagnosed him with "an electrodiagnostically proven right carpal tunnel syndrome with possible compression of Guyon's canal." Ultimately, Dr. Nagle recommended surgery, which he performed on claimant on July 16, 2007, in the form of an endoscopic release of the right transverse carpal ligament.

¶ 17 On December 30, 2008, Dr. Nagle authored a report. He noted claimant related the following history:

"[Claimant] began noticing symptoms in his right hand during the spring of 2005. He states that he was working as a plumber covering the United Airlines terminal at O'Hare ***. He states in the

spring of 2005 he lost his partner and was therefore obliged to use his hands more aggressively. He states that in November 2005 he began noticing nocturnal paresthesias in his right hand."

In his report, Dr. Nagle determined that, "[b]ased on [claimant's] history, it would appear that his right hand symptoms were indeed related to his work[-]related activities."

¶ 18 At arbitration, claimant submitted Dr. Nagle's deposition, taken August 13, 2010, into evidence. During his deposition, Dr. Nagle identified a printout from the online Dictionary of Occupational Titles, entitled "Plumber (construction)," which he stated contained "a description of what a plumber does." The printout stated as follows:

"Assembles, installs, and repairs pipes, fittings, and fixtures of heating, water, and drainage systems, according to specifications and plumbing codes: Studies building plans and working drawings to determine work aids required and sequence of installations. Inspects structure to ascertain obstructions to be avoided to prevent weakening of structure resulting from installation of pipe. Locates and marks position of pipe and pipe connections and passage holes for pipes in walls and floors, using ruler, spirit level, and plumb bob. Cuts openings in walls and floors to accommodate pipe and pipe fittings, using handtools and power tools. Cuts and threads pipe, using pipe cutters, cutting torch, and pipe-threading machine. Bends pipe to required angle by use of pipe-bending machine or by placing pipe over block and bending it by hand. Assembles and installs valves, pipe fittings, and pipes composed of metals, such as

iron, steel, brass, and lead, and nonmetals, such as glass, vitrified clay, and plastic, using handtools and power tools. Joins pipes by use of screws, bolts, fittings, solder, plastic solvent, and caulks joints. Fills pipe system with water or air and reads pressure gauges to determine whether system is leaking. Installs and repairs plumbing fixtures, such as sinks, commodes, bathtubs, water heaters, hot water tanks, garbage disposal units, dishwashers, and water softeners. Repairs and maintains plumbing by replacing washers in leaky faucets, mending burst pipes, and opening clogged drains. May weld holding fixtures to steel structural members. When specializing in maintenance and repair of heating, water, and drainage systems in industrial or commercial establishments, is designated Plumber, Maintenance (any industry)."

Dr. Nagle testified he relied on such job descriptions in his practice and that the printout listed the activities of a plumber with which he was generally familiar.

¶ 19 Dr. Nagle testified the activities described in the printout could contribute to a carpal tunnel development or aggravation of a carpal tunnel syndrome. When asked whether such activities could have caused or contributed to claimant's carpal tunnel, Dr. Nagle stated as follows:

"That fact of the matter is I did not review in detail what [claimant] did as a plumber. What I did rely on in forming my opinion that there was a causal connection was based on his history. [Claimant] stated that he had been doing plumbing for a number of years, that

in November of 2005, I believe, he lost his partner, and he had to do more work, and he noted an increase in his symptoms in the right hand, the symptoms specifically being carpal tunnel syndrome, and based on that history, I believe that there was a causal connection between his work-related activities and his carpal tunnel syndrome."

¶ 20 On cross-examination, Dr. Nagle acknowledged he had no specific knowledge as to what repetitive activities claimant performed while working for the employer. He reiterated that his causation opinion was based on claimant's "history as provided by him." Dr. Nagle noted the details of the particular activities claimant performed as a plumber were never discussed. He testified the information claimant provided "was that he was a plumber and that he was working *** on an industrial job."

¶ 21 When questioned about why work as a plumber could cause carpal tunnel syndrome, Dr. Nagle stated there was "a reasonable science to support the fact that there can be a causal connection between heavy repetitive grasping that doesn't allow the myotendinous units to relax, heavy grasping that increases the pressure in the carpal tunnel to lead to a carpal tunnel syndrome." He testified the frequency and pressures needed to lead to carpal tunnel syndrome were "really an individual thing"; however, he stated he "would agree that if a plumber has time to rest between the application of the significant forces across the hand, that that would certainly help protect the plumber against developing carpal tunnel syndrome." The following colloquy occurred between Dr. Nagle and the employer's counsel:

"Q. But your opinion today as to causation would assume that the work of a construction plumber throughout the day would require heavy repetitive grasping?

A. Yes.

Q. That also did not allow enough time to relax and recover the tendons?

A. Correct.

Q. And so in reference to [claimant] for your causation opinion, you would be assuming that up until you saw him in December of 2005 that he had been engaging in heavy repetitive grasping?

A. Yes."

Later, on recross-examination, the employer's counsel questioned Dr. Nagle as follows:

"Q. And part of your causal connection statement would require heavy repetitive grasping with not enough time to relax and recover the tendons?

A. That's true.

Q. So if [claimant] during the period of November of 2005 was not performing work requiring heavy repetitive grasping without enough time to relax and recover, then would that change your causation opinion?

A. Yes.

Q. And how would it change it?

A. I'd have a difficult time establishing a causal relationship."

¶ 22 At the employer's request, claimant was seen by Dr. Charles Carroll, an orthopedic surgeon, on August 2, 2006 and November 9, 2009. The parties submitted Dr. Carroll's reports into evidence. In his August 2006 report, Dr. Carroll stated claimant had evidence of carpal tunnel syndrome and that he found claimant's treatment had been timely, reasonable, and necessary. With respect to causation, he found as follows:

"Claimant's job activities in general have contributed to his condition of ill-being. I would find that the symptoms in both of his hands have developed over a longer period of time than the six months where he worked for [the employer]. Based on review of the studies and his examinations, I anticipate that his anatomic factors combined with his previous work activities have caused or aggravated his condition of ill-being. Further delineation of causality and aggravation would be appropriate with review of the work activities that he did perform for [the employer]. At the present time, it does appear to be a preexisting condition and I am not able to state that there is evidence of aggravation. I remain open-minded on that upon review of the work that he performed for the employer in the six[-]month period of time from his employment in May until the development of symptoms in November."

¶ 23 In his second report, dated November 10, 2009, Dr. Carroll noted claimant worked as a "check plumber" for the employer, which involved "moving through the terminal at

O'Hare and checking various devices and fixing them." He offered the following opinions as to causation:

"I do not relate [claimant's] need for care to the specific job discussed as a check plumber. Various activities were necessary in that particular job. ***

I do not find that the job activities as described as a check plumber are of a repetitive nature and would cause or aggravate the condition of bilateral carpal tunnel syndrome. Certainly there is some discrepancy about the use of his hands as he states that increased use of the hands has been necessary in the records and at the time of the [loss] of a partner. This may require further evaluation. My other opinions concerning his carpal tunnel syndrome and causality in my previous correspondence still hold."

¶ 24 The employer submitted Dr. Carroll's deposition, taken August 25, 2010, into evidence. Dr. Carroll agreed claimant suffered from carpal tunnel syndrome in his right hand and that surgery was warranted to treat his condition. However, he did not believe claimant's job activities as a "check plumber" for the employer either caused or aggravated his carpal tunnel syndrome. Dr. Carroll reviewed some of claimant's "daily activity sheets" and noted his opinion was based on his understanding of claimant's job duties. He testified as follows with respect to his understanding of claimant's work for the employer:

"He gave a history of having to do chronic repetitive gripping or grasping, which involved use of his hands in a significant

fashion much like you would see with any plumber, that he'd use his hands for different things in a continuous fashion.

Looking at the check plumbing—and my understanding of check plumbing was that [it] may vary somewhat from what [claimant] told me. And *** check plumbing didn't have the same nature which you might see in a construction plumber. It involved checking things, it involved working with things, it involved looking into many of the things in the airport that don't require being repaired, so—it's looking at the sort of toilets and the sinks that we all use when we go through the airport.

And I didn't find that that job where you were checking, unless you were chronically repairing things all the time, which I didn't see evidence of that *** would cause, just by checking something, carpal tunnel syndrome or aggravate it."

Further, Dr. Carroll agreed that, if the activities of "check[ing] plumbing" listed in claimant's "daily activity sheets" did not require repetitive grasping, such activities "could allow for units to relax."

¶ 25 On June 10, 2011, the arbitrator issued his decision in the matter, denying claimant compensation under the Act. Specifically, he determined claimant failed to establish that his right-handed carpal tunnel syndrome was causally connected to his work for the employer. The arbitrator found claimant worked for the employer as a "check plumber" rather than a "construction plumber" and that, based on the evidence presented, claimant's daily activities for the employer "did not require any repetitive forcible grasping of the hands." The arbitrator also adopted

the opinions of Dr. Carroll, finding Dr. Nagle's opinion was "fatally flawed" because he did not have the opportunity to review claimant's "daily activity sheets" and was not aware of the work duties claimant actually performed for the employer.

¶ 26 On August 22, 2012, the Commission, with one commissioner dissenting, reversed the arbitrator's denial of benefits. It found claimant sustained accidental injuries arising out of and in the course of his employment on November 22, 2005, and that his present condition of ill-being was causally connected to his work accident. The Commission expressly relied on "[claimant's] testimony as to his prior work duties as a construction plumber for 36 years, his work duties as a check plumber for [the employer], and the more persuasive opinions of Dr. Nagle." It awarded claimant (1) four weeks' TTD benefits, (2) medical expenses in the amount of \$10,363, and (3) PPD benefits for a 15% loss of use of claimant's right hand. On June 10, 2013, the circuit court reversed the Commission's decision, finding it against the manifest weight of the evidence.

¶ 27 This appeal followed.

¶ 28 II. ANALYSIS

¶ 29 On appeal, claimant argues the Commission's award of benefits was not against the manifest weight of the evidence. In particular, he contends the evidence supports a finding that his work activities for the employer caused or aggravated his right-handed carpal tunnel syndrome. Claimant contends that, in reversing the Commission, the circuit court impermissibly usurped the Commission's fact-finding function, reweighed the evidence, and substituted its own judgment.

¶ 30 "To obtain compensation under the Act, a claimant bears the burden of showing, by a preponderance of the evidence, that he has suffered a disabling injury which arose out of

and in the course of his employment." *Sisbro, Inc. v. Indus. Comm'n*, 207 Ill. 2d 193, 203, 797 N.E.2d 665, 671 (2003). " 'In the course of employment' refers to the time, place and circumstances surrounding the injury" while "[t]he 'arising out of' component is primarily concerned with causal connection." *Sisbro*, 207 Ill. 2d at 203, 797 N.E.2d at 671-72.

¶ 31 Further, "[i]t is axiomatic that employers take their employees as they find them." *Sisbro*, 207 Ill. 2d at 205, 797 N.E.2d at 672. When an employee has a preexisting condition, "recovery will depend on the employee's ability to show that a work-related accidental injury aggravated or accelerated the preexisting disease such that the employee's current condition of ill-being can be said to have been causally connected to the work-related injury and not simply the result of a normal degenerative process of the preexisting condition." *Sisbro*, 207 Ill. 2d at 204-05, 797 N.E.2d at 672. A claimant need only prove that his work for the employer "was *a* causative factor in the resulting condition of ill-being." (Emphasis in original.) *Sisbro*, 207 Ill. 2d at 205, 797 N.E.2d at 67.

¶ 32 We note that "in the 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." *Nunn v. Illinois Industrial Comm'n*, 157 Ill. App. 3d 470, 477, 510 N.E.2d 502, 506 (1987). "Although medical testimony as to causation is not necessarily required [citation], where the question is one within the knowledge of experts only and not within the common knowledge of laypersons, expert testimony is necessary to show that claimant's work activities caused the condition complained of." *Nunn*, 157 Ill. App. 3d at 478, 510 N.E.2d at 506. Also, "[c]ases involving aggravation of a preexisting condition primarily concern medical questions and not legal questions." *Nunn*, 157 Ill. App. 3d at 478, 510 N.E.2d at 506.

¶ 33 Whether an employee's injury arose out of and in the course of his employment

and whether a causal connection exists between a claimant's condition of ill-being and his employment are questions of fact for the Commission. *Tower Automotive v. Illinois Workers' Compensation Comm'n*, 407 Ill. App. 3d 427, 434, 943 N.E.2d 153, 160 (2011). It is also the Commission's role "to resolve conflicts in the evidence, and this is particularly true with regard to medical-opinion evidence." *St. Elizabeth's Hospital v. Workers' Compensation Comm'n*, 371 Ill. App. 3d 882, 887, 864 N.E.2d 266, 271 (2007). On appeal, the Commission's factual determinations should not be disturbed unless they are against the manifest weight of the evidence. *Tower Automotive*, 407 Ill. App. 3d at 434, 943 N.E.2d at 160. "For a finding of fact *** to be against the manifest weight of the evidence, an opposite conclusion must be clearly apparent." *Tower Automotive*, 407 Ill. App. 3d at 434-35, 943 N.E.2d at 160.

¶ 34 On review, the appropriate test is whether there is sufficient evidence in the record to support the Commission's determination." *Tower Automotive*, 407 Ill. App. 3d at 435, 943 N.E.2d at 160. "However, despite the high hurdle that the manifest weight of the evidence standard presents, it does not relieve us of our obligation to impartially examine the evidence and to reverse an order that is unsupported by the facts." *Kawa v. Illinois Workers' Compensation Comm'n*, 2013 IL App (1st) 120469WC, ¶ 79, 991 N.E.2d 430. For the reasons that follow, we find the Commission's decision was not supported by the record and against the manifest weight of the evidence.

¶ 35 Here, claimant worked as a "construction plumber" for many years before he began working for the employer. He testified his work as a "construction plumber" required quite a bit of repetitive, heavy grasping. Both Dr. Nagle and Dr. Carroll offered opinions causally relating claimant's right-handed carpal tunnel syndrome to his work as a "construction plumber." In May 2005, claimant began working as a plumber for the employer. The evidence reflects claim-

ant's job duties as a "check plumber" for the employer were significantly different from his job duties as a "construction plumber."

¶ 36 While working for the employer, claimant's primary responsibility was to check the fixtures in various airport restrooms to ensure the fixtures were working properly. Claimant checked restroom fixtures by "[a]ctivating the electric flush" on toilets, activating electric sinks with his hand, hitting the pump on soap dispensers, and grabbing and pulling down on the handle of towel dispensers. When fixtures were not working properly, claimant would repair them. He described various tasks he was required to perform, which he asserted involved repetitive, heavy grasping. Claimant acknowledged, however, that he only performed those tasks occasionally and not every day. He also acknowledged that if he visited a restroom and there was nothing to fix he would not perform any repetitive, heavy, or forceful activities with his hands. Claimant's "daily activity sheets," which he testified accurately reflected his activities while working for the employer, supported claimant's testimony. Those records showed claimant spent the majority of his time at work each day on the task of "check[ing] plumbing" and that he occasionally performed other activities in the course of his duties, some of which were the activities he described as requiring heavy or forceful grasping.

¶ 37 During his deposition, Dr. Nagle testified there was "reasonable science" to support a causal connection between plumbing work that requires "heavy[,] repetitive grasping that doesn't allow the myotendinous units to relax" and carpal tunnel syndrome. He acknowledged that his causal connection opinion, finding a relationship between claimant's work and condition of ill-being, assumed both "that the work of a construction plumber throughout the day would require heavy[,] repetitive grasping" and that claimant had been engaging in heavy, repetitive grasping without time to relax. Dr. Nagle testified he would have had a difficult time finding a

causal relationship if, in November 2005, claimant had not been performing work that required heavy, repetitive grasping without enough time to relax and recover.

¶ 38 Although both the Commission's decision and claimant rely on Dr. Nagle's opinions, we find they do not support an award in claimant's favor. Dr. Nagle admitted several times during his deposition that he was not aware of claimant's actual job duties. He identified a printout from the online Dictionary of Occupational Titles, describing the duties of a plumber in the construction industry, and testified that the activities described therein could cause or aggravate carpal tunnel syndrome. However, as even claimant acknowledges, he did not work as a "construction plumber" for the employer. As discussed, claimant's testimony showed he spent the majority of his work day on the task of "check[ing] plumbing," which did not require heavy, repetitive grasping. Although some of claimant's tasks required the forceful use of his hands, he performed those tasks only occasionally. Thus, Dr. Nagle's assumption that claimant's work required heavy, repetitive grasping without time to relax and recover conflicts with the evidence presented at arbitration regarding claimant's actual job duties.

¶ 39 After acknowledging that he was unaware of claimant's specific work duties, Dr. Nagle testified he based his causal connection opinion on claimant's history, which included reports by claimant that he had (1) worked as a plumber for many years, (2) lost his partner (which Dr. Nagle's records indicate occurred both on November 1, 2005, and in the spring of 2005) and had to do more work, and (3) experienced an increase in the symptoms in his right hand. First, the plumbing work claimant performed prior to working for the employer does not establish a causal connection between his work for the employer and his condition of ill-being, particularly where the evidence shows claimant's work for the employer was significantly different than the work he previously performed. Second, as discussed, Dr. Nagle's opinion is flawed due to his

lack of knowledge of claimant's specific job activities. Therefore, even if claimant's work increased after he lost his partner, the record fails to reflect that an increase in his duties—which predominantly consisted of "check[ing] plumbing" and only occasional heavy, repetitive grasping—could cause or aggravate his condition of ill-being.

¶ 40 Medical evidence establishing the existence of a causal connection is particularly important in both repetitive-trauma cases and cases involving a preexisting condition of ill-being. Here, Dr. Nagle's causation opinion was unreliable given his lack of knowledge of claimant's specific job duties and the fact that the evidence presented regarding claimant's work duties for the employer was inconsistent with the underlying basis for Dr. Nagle's causation opinion—that the performance of heavy, repetitive grasping without time to relax and recover could cause or aggravate carpal tunnel syndrome. We note Dr. Carroll offered the only other opinion as to causation in the case. He opined claimant's work for the employer as a "check plumber" neither caused nor aggravated claimant's carpal tunnel syndrome. Dr. Carroll's reports and deposition reflect he was aware of claimant's specific work activities for the employer and had the opportunity to review claimant's "daily activity sheets." Given these circumstances, we find the Commission's reliance on Dr. Nagle's causation opinion was not supported by the record and against the manifest weight of the evidence.

¶ 41 On appeal, claimant argues Dr. Nagle's lack of knowledge of his precise work activities for the employer did not render his opinion unreliable and references two decisions of this court to support his position. See *Kishwaukee Community Hospital v. Industrial Comm'n*, 356 Ill. App. 3d 915, 924, 828 N.E.2d 283, 291-92 (2005); *Edward Hines Precision Components v. Industrial Comm'n*, 356 Ill. App. 3d 186, 196, 825 N.E.2d 773, 781-82 (2005). We find those cases are factually distinguishable from the case at bar. In particular, neither case involved a

change in employment with significantly different job duties.

¶ 42 Finally, claimant also contends the Commission's decision is supported by evidence showing he was asymptomatic prior to working for the employer and did not seek medical treatment or miss work for his carpal tunnel syndrome until November 2005, after he began working for the employer. To support his position, claimant relies on *Concrete Structures of Midwest v. Industrial Comm'n*, 315 Ill. App. 3d 596, 597, 734 N.E.2d 970, 971-72 (2000), wherein this court affirmed a benefit award in favor of a claimant who had worked as a carpenter for several years and alleged carpal tunnel injuries arising out of and in the course of her work for her most recent employer after only 10 days of employment.

¶ 43 First, we note the record contradicts claimant's assertion that he was asymptomatic prior to his work for the employer. Specifically, Dr. Nagle's records show claimant reported that "his right hand would fall asleep for a number of years." Second, we again find the case claimant relies upon distinguishable. In *Concrete Structures*, 315 Ill. App. 3d at 599, 734 N.E.2d at 973, we found the claimant's testimony regarding her job duties and symptoms supported the conclusion that she "proved an aggravation of a preexisting condition which was causally connected to her employment with [the] employer"; however, we also noted medical opinion evidence from two doctors in the case further supported that same conclusion. Here, for the reasons discussed, the medical evidence was not similarly supportive and, when considered in conjunction with the evidence regarding claimant's work activities for the employer, such evidence undermines the Commission's conclusion that a causal connection existed.

¶ 44 Although we are generally reluctant to overturn the Commission's factual determinations on review, in this instance, we find the Commission's decision is not supported by the record and reversal is appropriate. An opposite conclusion from that of the Commission is clear-

ly apparent and its decision is against the manifest weight of the evidence. The circuit court committed no error in reversing the Commission's decision.

¶ 45

III. CONCLUSION

¶ 46

For the reasons stated, we affirm the circuit court's judgment.

¶ 47

Affirmed.

¶ 48

PRESIDING JUSTICE HOLDRIDGE dissenting.

¶ 49

I respectfully dissent. I would find that the Commission's award of benefits was not against the manifest weight of the evidence. The majority takes issue with the Commission's reliance upon Dr. Nagle's opinion that the claimant's injuries were causally related to his employment. While the majority would find that Dr. Nagle's causation opinions are in conflict with the evidence regarding the claimant's job duties, I see no inherent contradiction. The Commission referred to the claimant's prior work history as a construction plumber *and* his current work duties as a check plumber when it chose to assign more weight to Dr. Nagle's causation opinion and less weight to Dr. Carroll's opinion. Dr. Carroll based his opinion primarily on his review of the daily activity sheets, while Dr. Nagle based his opinion primarily on the history the claimant gave to him. The history the claimant gave to Dr. Nagle was consistent with his testimony at arbitration. While the claimant's testimony and the history he gave to Dr. Nagle may have differed from the daily activity sheets, ultimately this is a matter of credibility for the Commission to determine. *Beattie v. Industrial Comm'n*, 276 Ill. App. 3d 446, 449 (1995).

¶ 50

There is no question that the claimant was afflicted with right carpal tunnel syndrome which was asymptomatic prior to November 2005. There is also no question that beginning in November 2005 the claimant's work load increased when a co-worker was transferred to another location. Shortly thereafter, his condition became symptomatic. The only question be-

fore this court is whether the record supports the Commission's finding that the work the claimant performed in the months prior to his condition becoming symptomatic was a causative factor in his condition. I would find that the Commission's decision is supported by the record. Dr. Nagle's opinion was based, at least in part, on the claimant's description of the work he performed for the employer, and the description the claimant gave him included activities of a repetitive nature. The degree to which the claimant exerted himself, the number of times per day he engaged in those activities and the effect those activities had on the claimant's symptoms were matters of fact for the Commission to determine. Moreover, I see no relevance in referring to the titles of "construction plumber" and "check plumber" to describe the claimant's job duties. The only issue is whether the record contains evidence which would tend to support the Commission's finding that the claimant's work activities contributed to his carpal tunnel syndrome becoming symptomatic after November 2005. The record shows, notwithstanding his title of "check plumber" the claimant performed duties of a repetitive nature sufficient to support a finding that his condition was casually related to his employment. In addition to the claimant's credible testimony concerning his job duties, the activity sheets contained notations of activities such as plunging of toilets and auguring of drains that the claimant performed on a daily basis. These and other activities recorded on the daily activity sheets could reasonably be inferred by the Commission to be of a sufficiently repetitive nature as to trigger symptoms in the claimant's previously asymptomatic condition. This is all that is required to support the Commission's causation determination. *Concrete Structures*, 315 Ill. App. 3d at 599.

¶ 51 For the foregoing reasons, I would find that the Commission's award of benefits was not against the manifest weight of the evidence. I would reverse the judgment of the circuit court and reinstate the Commission's award.