

STATE OF ILLINOIS) BEFORE THE ILLINOIS WORKERS' COMPENSATION
) SS COMMISSION
COUNTY OF COOK)

Tracy Howell,
Petitioner,

vs.

NO. 09 WC 039531
14 IWCC 0578

State of Illinois/Menard Correctional Center,
Respondent,

ORDER OF RECALL UNDER SECTION 19(f)

A Petition under Section 19(f) of the Illinois Workers' Compensation Act to Correct Clerical Error in the Order of the Commission dated July 17, 2014, having been filed by Respondent. Upon consideration of said Petition, the Commission is of the Opinion that it should be granted.



The Commission finds that the original decision was issued with the case number 08 WC 039531 and the correct number is case number 09 WC 039531.


IT IS THEREFORE ORDERED BY THE COMMISSION that the Order dated July 17, 2014 is hereby vacated and recalled pursuant to Section 19(f) for clerical error contained therein. The parties should return their original Orders to Commissioner Mario Basurto.

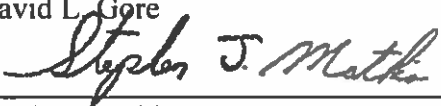
IT IS FURTHER ORDERED BY THE COMMISSION that a Corrected Order shall be issued simultaneously with this Order.

DATED: AUG 15 2014

MB/jm
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Mario Basurto


David L. Gore


Stephen Mathis

STATE OF ILLINOIS)
) SS.
COUNTY OF)
WILLIAMSON)

<input type="checkbox"/> Affirm and adopt (no changes)	<input type="checkbox"/> Injured Workers' Benefit Fund (§4(d))
<input type="checkbox"/> Affirm with changes	<input type="checkbox"/> Rate Adjustment Fund (§8(g))
<input type="checkbox"/> Reverse	<input type="checkbox"/> Second Injury Fund (§8(e)18)
<input checked="" type="checkbox"/> Modify <input type="checkbox"/> up	<input type="checkbox"/> PTD/Fatal denied
	<input checked="" type="checkbox"/> None of the above

BEFORE THE ILLINOIS WORKERS' COMPENSATION COMMISSION

Tracy Howell,
Petitioner,

vs.

NO: 09 WC 39531
14 IWCC0578

State of Illinois/Menard Correctional Center,
Respondent,

CORRECTED DECISION AND OPINION ON REVIEW

Timely Petition for Review having been filed by the Petitioner herein and notice given to all parties, the Commission, after considering the issues of equal protection and permanency and being advised of the facts and law, modifies the Decision of the Arbitrator as stated below and otherwise affirms and adopts the Decision of the Arbitrator, which is attached hereto and made a part hereof.

The Commission finds that the original decision was issued with the case number 08 WC 039531 and the correct number is case number 09 WC 039531.

The Commission finds that there was no violation of Petitioner's rights pursuant to the Equal Protection Act. Furthermore, the Commission views this case differently than the Arbitrator and finds Petitioner permanently lost 20% of the use of each foot under Section 8(e) of the Act.

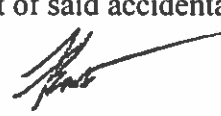
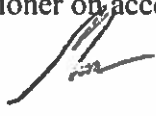
IT IS THEREFORE ORDERED BY THE COMMISSION that Respondent pay to Petitioner the sum of \$627.03 per week for a period of 66.8 weeks, as provided in §8(e) of the Act, for the reason that the injuries sustained caused the permanent loss of use of 20% of each foot.

IT IS FURTHER ORDERED BY THE COMMISSION that Respondent pay to Petitioner interest under §19(n) of the Act, if any.

IT IS FURTHER ORDERED BY THE COMMISSION that Respondent shall have credit for all amounts paid, if any, to or on behalf of Petitioner on account of said accidental injury.

DATED: AUG 15 2014

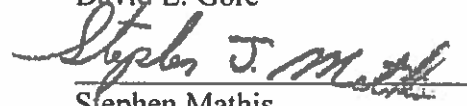
MB/jm
O: 5/28/14
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Mario Basurto



David L. Gore



Stephen Mathis

ILLINOIS WORKERS' COMPENSATION COMMISSION
NOTICE OF ARBITRATOR DECISION

HOWELL, TRACY

Employee/Petitioner

Case# 09WC039531

14IWCC0578

STATE OF ILLINOIS/MENARD C C

Employer/Respondent

On 11/2/2012, an arbitration decision on this case was filed with the Illinois Workers' Compensation Commission in Chicago, a copy of which is enclosed.

If the Commission reviews this award, interest of 0.16% shall accrue from the date listed above to the day before the date of payment; however, if an employee's appeal results in either no change or a decrease in this award, interest shall not accrue.

A copy of this decision is mailed to the following parties:

0969 THOMAS C RICH PC
#6 EXECUTIVE DR
SUITE 3
FAIRVIEW HTS, IL 62208

0502 ST EMPLOYMENT RETIREMENT SYSTEMS
2101 S VETERANS PARKWAY*
PO BOX 19255
SPRINGFIELD, IL 62794-9255

0558 ASSISTANT ATTORNEY GENERAL
KENTON J OWENS
601 S UNIVERSITY AVE SUITE 102
CARBONDALE, IL 62901

0498 STATE OF ILLINOIS
ATTORNEY GENERAL
100 W RANDOLPH ST
13TH FLOOR
CHICAGO, IL 60601-3227

1350 CENTRAL MGMT SERVICES RISK MGMT
WORKERS' COMPENSATION CLAIMS
PO BOX 19208
SPRINGFIELD, IL 62794-9208

CERTIFIED as a true and correct copy
pursuant to 820 ILCS 905/14

NOV 2 2012



[Signature]
KIMBERLY E. JANAS Secretary
Illinois Workers' Compensation Commission

<input type="checkbox"/>	Injured Workers' Benefit Fund (§4(d))
<input type="checkbox"/>	Rate Adjustment Fund (§8(g))
<input type="checkbox"/>	Second Injury Fund (§8(e)18)
<input checked="" type="checkbox"/>	None of the above

**ILLINOIS WORKERS' COMPENSATION COMMISSION
ARBITRATION DECISION
NATURE AND EXTENT ONLY**

TRACY HOWELL

Employee/Petitioner

Case # **09 WC 39531**

v.

Consolidated cases:

STATE OF ILLINOIS/MENARD C.C.

Employer/Respondent

The only disputed issue is the nature and extent of the injury. An *Application for Adjustment of Claim* was filed in this matter, and a *Notice of Hearing* was mailed to each party. The matter was heard by the Honorable **Gerald GRANADA**, Arbitrator of the Commission, in the city of **HERRIN**, on **August 14, 2012**. By stipulation, the parties agree:

On the date of accident, **08/17/09**, Respondent was operating under and subject to the provisions of the Act.

On this date, the relationship of employee and employer did exist between Petitioner and Respondent.

On this date, Petitioner sustained an accident that arose out of and in the course of employment.

Timely notice of this accident was given to Respondent.

Petitioner's current condition of ill-being is causally related to the accident.

In the year preceding the injury, Petitioner earned \$ **54,342.00** and the average weekly wage was **\$1,045.04**

At the time of injury, Petitioner was **45** years of age, *single* with **0** dependent children.

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

Respondent shall be given a credit of **\$ALL TTD PAID** for TTD, **\$0** for TPD, **\$0** for maintenance, and **\$0** for other benefits, for a total credit of **\$All TTD PAID**.

After reviewing all of the evidence presented, the Arbitrator hereby makes findings regarding the nature and extent of the injury, and attaches the findings to this document.

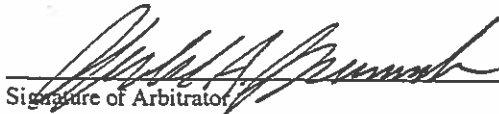
14IWCC0578

ORDER

Respondent shall pay Petitioner the sum of \$627.02/week for a further period of 33.4 weeks, as provided in Section 8(e) of the Act, because the injuries sustained caused **10% loss of use of right and left feet.**

RULES REGARDING APPEALS Unless a Petition for Review is filed within 30 days after receipt of this decision, and a review is perfected in accordance with the Act and Rules, then this decision shall be entered as the decision of the Commission.

STATEMENT OF INTEREST RATE If the Commission reviews this award, interest at the rate set forth on the *Notice of Decision of Arbitrator* shall accrue from the date listed below to the day before the date of payment; however, if an employee's appeal results in either no change or a decrease in this award, interest shall not accrue.



Signature of Arbitrator

10/29/12
Date

NOV - 2 2012

14IWCC0578

The Arbitrator finds the following facts:

The issue in dispute is nature and extent of injury. This case was previously tried pursuant to Section 19(b) and found to be compensable. Said decision was affirmed by the Commission. Petitioner is a 48 year old employee of the State of Illinois at the Menard Correctional Center. Petitioner testified that he worked as a correctional officer.

Petitioner was diagnosed with bilateral Achilles tendinosis. Petitioner underwent surgical release by Dr. John Krause on September 21, 2010 on the right Achilles tendon and November 30, 2010 on the left Achilles tendon.

Following the February 21, 2011 visit with Dr. Krause, Petitioner was released to return to work full duty with no restrictions. Petitioner completed physical therapy at Carbondale Memorial Hospital. At trial, Petitioner testified to having difficulty in his feet after work. Petitioner testified to having cramping and less mobility after work. Petitioner has changed job duties at work and is now the knit shop officer. Petitioner current job duties are easier on his feet than were the duties of correctional officer. Petitioner noted that the surgeries he underwent helped immensely.

Therefore, the Arbitrator concludes:

1. Respondent shall pay reasonable and necessary medical services if any as provided in Sections 8(a) and 8.2 of the Act.
2. As a result of his injury, Petitioner has sustained the 10% loss of use of each foot pursuant to Section 8(e). This is based on Petitioner's complaints corroborated by the medical evidence.