

Claim for Repetitive Trauma Hand Injury Denied at All Levels

Matt successfully defended a workers' compensation claim involving a bookkeeper who alleged a repetitive trauma bilateral hand condition as a result of her work duties. At the trial level, the arbitrator found the petitioner failed to meet her burden of proof, citing insufficient testimony regarding the force, flexion, and frequency of her work activities required to prove a repetitive trauma claim. The Illinois Workers' Compensation Commission affirmed the decision and excluded certain medical evidence. This included evidentiary rulings denying the deposition of the respondent's IME doctor under the "48-hour rule" and striking the second day of evidence deposition testimony of the petitioner's treating doctor, during which the physician reversed his causation opinion.

Both the Circuit Court and Appellate Court upheld the Commission's decision, agreeing that the petitioner had not proven a work-related injury and finding that any evidentiary errors were harmless, as the excluded testimony would have only further supported the defense. The claim was denied in its entirety.

PROFESSIONALS

Matthew G. Gorski
Partner

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