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Illinois Workers' Compensation Commission Determines Date of Accident in a Repetitive Trauma Claim

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Recently, the Illinois Workers' Compensation Commission published a decision awarding benefits to a millwright for carpal tunnel syndrome even though he performed various jobs (not the same task repetitively) but always used his hands in performance of his work duties. For example, he used crescent wrenches, grinders, pry bars and sledge hammers through out the day in order to perform work activities. In a repetitive trauma claim for carpal tunnel syndrome, the date of the accident is the date the injury "manifests" itself, that is, the date the nature of the injury and its relationship to work become apparent to a reasonable person. In this case, the Commission found the date of manifestation (accident date) to be the date the injured worker's physician diagnosed the conditon to be carpal tunnel syndrome and he then opined that the condition was related to the millwright's work activities. A dissent to this decision was written, arguing that the opinion of the doctor was flawed as the doctor did not know all of the worker's job duties. The case is, *Smith v. U.S. Steel*.

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