

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F303479

NATHANIEL BOLDEN, JR., EMPLOYEE	CLAIMANT
INTERNATIONAL PAPER COMPANY, EMPLOYER SELF-INSURED	RESPONDENT
SEDGWICK CLAIMS MANAGEMENT SERVICES (TPA), INSURANCE CARRIER	RESPONDENT

OPINION FILED NOVEMBER 5, 2003

Hearing before Administrative Law Judge Dail Stiles on October 3, 2003, in Pine Bluff, Jefferson County, Arkansas.

Claimant appeared Pro Se.

Respondents represented by Mr. Michael J. Dennis, Attorney at Law, Pine Bluff, Arkansas.

A hearing was held on October 3, 2003, to determine the compensability of the claim filed herein.

It was stipulated that the employer/employee relationship existed in October, November and December of 2002.

The claimant contends that he sustained a gradual injury which manifested itself as bilateral carpal tunnel syndrome as a result of his work activity with the respondent employer in the year 2002. The claimant seeks payment for medical expenses only in connection with treatment for his carpal tunnel syndrome complaints.

The respondents controvert the claim in its entirety. The respondents contend the claimant did not report possible carpal tunnel problems to the respondent employer until after he had had surgery. The respondents contend that the claimant will not be able to demonstrate by a preponderance of the evidence that there is a causal connection between his carpal tunnel syndrome difficulties

and any work activity which he was performing for the respondent employer in November and December of 2002.

STATEMENT OF THE CASE

The claimant testified that he had been working for the respondent since 1989. The claimant stated that he had had some problems with his hands and wrists going back to 1990. At the hearing, he said he had been waking up with his hands in a claw-like position and experiencing pain and numbness with both hands for "a long period of time." He testified that he felt in November of 2002, he needed to get some medical attention as a result of his increasing problems with his hands and wrists. The claimant testified and it was later established on cross-examination that the claimant worked a job where he rotated jobs on a daily basis, but every third day the claimant pulled wood off a conveyor belt with a wood hook. The claimant said that it was this particular job that he felt caused the problems with his hands and wrists.

Gloria Tidwell, one of the employer's nurses, testified that her recollection was the claimant came to her after he had seen Dr. Lytle and after Dr. Lytle had diagnosed the claimant with carpal tunnel syndrome and had suggested surgery on one wrist. Ms. Tidwell said that she told the claimant that he was not following proper procedure and should have notified the company before he had the surgery. Upon further examination by this Administrative Law Judge and the claimant, Ms. Tidwell stated that she was unsure whether the claimant had come to her after surgery had been performed on one wrist or whether he had come after the surgery had been prescribed. She said that she recollected having a conversation with the claimant in which he said he was going to go ahead and have the surgery, and they could fight about it later.

The claimant stated that he took three weeks vacation at the time he had the surgery done on his right wrist and then returned to work and has continued to work. The claimant says he still experiences pain and discomfort in both hands and wrists.

There was only one medical report introduced into evidence and that was a report of Dr. Lytle's dated December 31, 2002. That report simply details the carpal tunnel release procedure performed by Dr. Lytle on December 31, 2002. There are no medical reports introduced into evidence that indicate a history given by the claimant relating his complaints of carpal tunnel syndrome to any work activity.

FINDING OF FACT

The claimant does not meet his burden of proving by a preponderance of the evidence that his carpal tunnel syndrome complaints are related to his work. Specifically, the claimant does not meet his burden of proving by a preponderance of the evidence that his work activity in the year 2002 was the major cause of his current disability or need for treatment as required by Ark. Code Ann. §11-9-102(4)(E)(ii).

DISCUSSION

Carpal tunnel syndrome is both compensable and falls within the definition of rapid repetitive motion and, therefore, proof of rapid and repetitive motion by a claimant is not required. Kildow v. Baldwin Piano, 333 Ark. 335, 969 S.W.2d 190 (1998). However, a claimant is not relieved of his burden of establishing a causal connection between the injury complained of and the employment. See Gerber Products v. McDonald, 15 Ark. App. 226, 691 S.W.2d 879 (1985).

Causation is an essential element to be proven by a claimant in order to establish a claim of compensability. See Lybrand v. Arkansas Oak Flooring Co., 266 Ark. 946, 588 S.W.2d 449 (1979).

In the instant case, the claimant simply does not establish by a preponderance of the evidence that there is a causal connection between his carpal tunnel syndrome and any work activity in which he was engaged in October, November or December of 2002.

The above claim is respectfully denied and dismissed.

IT IS SO ORDERED.

DAIL STILES
Administrative Law Judge