



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Details (With Text)

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Title: Authority to pay the award in the Workers' Compensation Claim of Michael Mitchell vs. MWRDGC, Case No. 04 WC 44251, Illinois Workers' Compensation Commission, in the sum of \$34,556.69. Account 901-30000-601090

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5/6/2010	1	Committee of the Whole	Recommended	Pass
5/6/2010	1	Board of Commissioners	Approved	Pass

TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 6, 2010

COMMITTEE ON JUDICIARY

Mr. Richard Lanyon, Executive Director

Authority to pay the award in the Workers' Compensation Claim of Michael Mitchell vs. MWRDGC, Case No. 04 WC 44251, Illinois Workers' Compensation Commission, in the sum of \$34,556.69. Account 901-30000-601090

Dear Sir:

Michael Mitchell is a Pipefitter at the Hanover Park Water Reclamation Plant. On May 11, 2004, he was working on a chlorine line which was thought to be drained but ejected sodium hypochlorite when he loosened the collar on a ball valve. Although he was wearing safety glasses, the substance seeped into his eyes. He felt a burning pain in his eyes. His eyes were flushed out at the portable eye wash station and again at St. Alexius Hospital. Mr. Mitchell had follow-up exams with an eye specialist. He lost 23 days of work. He had no loss of vision but complained of light sensitivity.

Mr. Mitchell filed an Application for Adjustment of Claim with the Illinois Workers' Compensation Commission being Case No. 04 WC 44251. The case proceeded to trial before Arbitrator Carlson on March 3, 2006. Mr. Mitchell testified to light sensitivity but admitted his doctors did not confirm that he has light sensitivity and that the condition is not "confirmable." No medical evidence was presented to confirm Mr. Mitchell's light sensitivity. Regardless, Arbitrator Carlson awarded Mr. Mitchell 12.5% loss of use of each eye. The District appealed to the Commission and argued that Mr. Mitchell had failed to prove his disability. Inexplicably, the Commission increased the permanency award to 17.5% loss of use of each eye. The District appealed this case to the Circuit and Appellate Courts without a change in the award. Lastly, the District filed a Petition to the Appellate Court to certify an issue to the Supreme Court and was rejected.

At this time, the District has exhausted all appeals, and the award is now due and owing. The total award of

\$34,556.69 represents 17.5% of each eye (\$28,899.68) plus arbitration appeal interest (\$1,603.34), Industrial Commission appeal interest (\$108.57), and Circuit Court appeal interest (\$3,945.10).

The General Counsel requests payment of the award be approved and he be authorized to execute such documents as may be necessary to effect the payment.

Requested, Frederick M. Feldman, General Counsel, FMF:LAG:VMM:nm

Respectfully Submitted, Terrence J. O'Brien, Chairman Committee on Judiciary

Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for May 6, 2010.