



Metropolitan Water Reclamation District of Greater Chicago

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Title: Authority to settle the Workers' Compensation Claims of Dann Grillo vs. MWRDGC, Case Nos. 05 WC 28037 and 07 WC 4702, Illinois Workers' Compensation Commission, in the sum of \$51,008.25, Account 901-30000-601090

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TRANSMITTAL LETTER FOR BOARD MEETING OF AUGUST 12, 2010

COMMITTEE ON JUDICIARY

Mr. Richard Lanyon, Executive Director

Authority to settle the Workers' Compensation Claims of Dann Grillo vs. MWRDGC, Case Nos. 05 WC 28037 and 07 WC 4702, Illinois Workers' Compensation Commission, in the sum of \$51,008.25, Account 901-30000-601090

Dear Sir:

Dann Grillo is a Truck Driver at the North Side Water Reclamation Plant. On February 4, 2004, while getting into the cab of his truck, his foot stuck to the non-skid surface of the step and as he pivoted, he twisted his left knee. He went to the Concentra Medical Center and was diagnosed with a left knee strain. An MRI later revealed a full-thickness tear of the anterior cruciate ligament and a medial meniscus tear. Mr. Grillo underwent fitting for a custom brace and completed a physical therapy and strengthening program. He lost 52 days of work.

On May 5, 2005, Mr. Grillo claimed that the power steering on his truck failed while making a left hand turn causing him to wrench his right shoulder. He went to the Concentra Clinic and was diagnosed with a right shoulder strain. Mr. Grillo followed up with an orthopedic specialist who diagnosed him with impingement syndrome. Mr. Grillo underwent a physical therapy program. Time off work was disputed.

On September 14, 2007, Mr. Grillo claimed he strained his left shoulder and elbow while repetitively using the truck hand brake on a sewer run. Mr. Grillo works in the Sewer Control Section. For this assignment, sewers are checked every 500 feet, requiring operating of the hand brake up to 50 times per day. Mr. Grillo went to the Peterson Urgent Care Center and was diagnosed with left elbow epicondylitis and left shoulder impingement syndrome. He completed a physical therapy program and lost no time from work.

Mr. Grillo filed two Applications for Adjustment of Claim with the Illinois Workers' Compensation Commission (IWCC) being Case No. 05 WC 28037 for the 2004 accident and Case No. 07 WC 4702 for the 2005 accident.

Mr. Grillo has not yet filed an Application for the September 14, 2007, accident.

A pre-trial conference was held before Arbitrator Dollison of the IWCC for the February 11, 2004, left knee injury. After discussing the case history and medical evidence with the arbitrator, he made the following settlement recommendation: 22.5% loss of use of the left leg (\$29,991.05). A pre-trial was held before Arbitrator Jutila for the May 5, 2005, right shoulder injury. He recommended 5% loss of use of the right arm (\$6,672.47) and payment of 12-2/7 weeks of lost time (\$9,344.73). The settlement recommendation resulting from the two pre-trials is \$46,008.25.

In addition, we can close the September 14, 2007 injury for \$5,000.00 which represents approximately 3.1% of the left arm. The total settlement for the three cases is \$51,008.25.

The General Counsel does not believe the arbitrator would write a different amount should these claims go to trial. It is, therefore, recommended that the settlement be approved and authorization given to execute the proper documents.

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 August 12, 2010