2011 IL App (5th) 110016WC-U

NO. 5-11-0016WC

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

WORKERS' COMPENSATION COMMISSION DIVISION

ST. CLAIR COUNTY SHERIFF'S DEPARTMENT,	)	Appeal from the
	)	Circuit Court of
Appellant,	)	St. Clair County.
	)	
	)	
v.	)	No. 10-MR-119
	)	
	)	Honorable
THE ILLINOIS WORKERS' COMPENSATION COMMISSION, *et al.* (Kenneth T. Lopretta, Appellee).	)	Stephen P. McGlynn, Judge, presiding.

JUSTICE STEWART delivered the judgment of the court.
Presiding Justice McCullough and Justices Hoffman, Hudson, and Holdridge concurred in the judgment.

O R D E R

¶ 1 *Held*: The Commission's finding that the claimant's carpal tunnel syndrome was causally connected to his work duties as a corrections officer was not against the manifest weight of the evidence. The Commission's award for incurred medical expenses and future medical expenses was not against the manifest weight of the evidence.

¶ 2 The claimant, Kenneth T. Lopretta, worked as a corrections officer for the employer, St. Clair County Sheriff's Department, beginning in September 2001. The claimant initiated a proceeding under the Workers' Compensation Act (Act) (820 ILCS 305/1 *et seq.* (West 2008)), maintaining that he suffers from carpal tunnel syndrome in his right hand and that this condition of ill-being was causally related to his employment duties, *i.e.*, repetitive trauma resulting from repeatedly unlocking, opening, closing, and locking heavy jail doors and gates. The matter proceeded to an

arbitration hearing under section 19(b) of the Act (820 ILCS 305/19(b) (West 2008)), and the arbitrator found in favor of the claimant on the issue of causation and awarded him reasonable and necessary medical expenses that he had incurred up to the date of the hearing as well as expenses for prospective medical care. On review, the Illinois Workers' Compensation Commission (Commission) modified the wording of three sentences in the arbitrator's lengthy factual findings and modified the arbitrator's award of prospective medical care but otherwise affirmed and adopted the arbitrator's decision. One commissioner dissented. On judicial review, the circuit court confirmed the Commission's decision, and the employer appeals the circuit court's judgment.

¶ 3 BACKGROUND

¶ 4 The claimant testified that he began working at the St. Clair County jail as a corrections officer in September 2001 and that he did not have any symptoms of carpal tunnel syndrome prior to beginning work for the employer. He believed that he developed carpal tunnel syndrome from locking, unlocking, opening, and closing jail doors while working for the employer.

¶ 5 The claimant explained that the jail cells are divided into various blocks and that, at the beginning of each shift, his supervisor gave him a job assignment to walk through certain cellblocks for that shift. He was not always assigned to the same area in the jail. Each job assignment required him to walk through four to five cellblocks: "John 12" was the first set of blocks, "John 13" was the middle set of blocks that included maximum security, and "John 14" was "all the way at the end." He worked a 12-hour shift and was usually assigned one of the three blocks to patrol every 30 minutes. He received only a half-hour break for lunch during each shift. He worked two 12-hour shifts one week and five 12-hour shifts the following week. He did not

always work the same number of days each month.

¶ 6 In describing a walk-through assignment, the claimant testified as follows:

"Let's start with the first set of blocks when you walk in the main male wing, A, B, C and D Block. Every 30 minutes I'd have to go to the front of A Block and put the key in, unlock it, pull the door open, go inside, close the door, lock it and then there's a gate right there, then I go to that gate, I put the key in, unlock it, go in, close the gate, lock it, then I walk all the way down the catwalk which is where all the prisoners are and you get in the back, that's where you scan, and you got to unlock a steel door there, go through, close it then lock it and then you walk down–then I'm in B Block then, in the back of B Block. I walk down the front of B Block and there's a door there, steel door I have to unlock, go through, close it, lock it, I walk about 20 feet, there's another steel door, you put the key in, you unlock it and then you go through it and you pull it, then you lock it, then I go to the back of C Block to a steel door, I put a key in, I unlock it, go through, pull it and then lock it, then I go–then I'm in D Block and in D Block I walk all the way down the catwalk, I get to a gate, I unlock that gate, walk through, close the gate and then lock it and then I go to the main door of the hallway and I open that steel door, unlock that steel door, walk through and then lock it ***."

¶ 7 He testified that during his standard 12-hour shift, he locked and unlocked the heavy steel doors a minimum of 384 times if he was assigned the John 12 or John 13 blocks. If he was assigned the John 14 blocks, he locked and unlocked the doors a minimum of 480 times during his 12-hour shift. On days when there were visitors in his assigned blocks, he had to open and close the doors an additional 50 to 60 times to let visitors in and out. Some days he was assigned to work outside the jail, perform hospital duty, undergo training, or work in the console area, which was the main area

where people came in and out of the sheriff's department. He did not have to perform rounds when he was working those assignments.

¶ 8 The key the claimant used to unlock the doors was a large key, five to six inches long, with a steel cylinder. When using the key, he placed it between his middle finger and ring finger and twisted his wrist to lock and unlock the locks. Some of the locks opened up easily, but other locks required five or six attempts before they opened. He estimated that the doors weighed 200 pounds, and some of the doors were hard to open. He had to "yank" on them to open them. At some point during his employment, the employer had some of the doors reshaped to prevent them from sticking.

¶ 9 In addition to working as a corrections officer, the claimant also owned and operated a small business that was engaged in cleaning crime scenes. The business was called Shield's Crime Scene Cleanup (Shield's), and another officer from the sheriff's department was his partner in the business. On August 20, 2004, the St. Clair County sheriff gave the claimant written approval of this secondary employment but limited his outside work for the business to only 20 hours per week. According to the claimant, his job duties with Shield's differed significantly from his job duties with the employer with respect to repetitive use of his right hand. He explained that Shield's hired a job foreman and other employees and that his (the claimant's) role in the business was to bid the jobs, keep everyone working, and supervise the work. The claimant did not believe that any of his outside work for Shield's aggravated his carpal tunnel syndrome.

¶ 10 The claimant testified that unlocking, locking, and pulling on the doors at the jail eventually caused soreness in his entire right arm, from his hand to his shoulder. Therefore, in April 2004, he went to see his primary physician, Dr. James Wade. Dr.

Wade ordered a nerve conduction study, and the study resulted in findings consistent with carpal tunnel syndrome. Dr. Wade diagnosed the claimant as having carpal tunnel syndrome, recommended that he remain off work, and referred him to an orthopedic hand surgeon, Dr. Harvey L. Mirly. Dr. Mirly testified at the arbitration hearing by way of an evidence deposition.

¶ 11 Dr. Mirly testified that when the claimant came to his office on June 17, 2004, the claimant showed symptoms consistent with carpal tunnel syndrome and that he diagnosed the claimant as having carpal tunnel syndrome. The claimant reported to Dr. Mirly that he believed that the carpal tunnel syndrome was a work-related injury. Dr. Mirly asked the claimant about his work duties and understood that his work duties included "keys, doors, things like that." At his evidence deposition, Dr. Mirly reviewed a written report in which the claimant reported that his job as a corrections officer required him to open and close 200- pound doors every 30 minutes for 12 hours and unlock and lock doors every 30 minutes for 12 hours.

¶ 12 In explaining whether he thought repetitive opening and closing heavy doors would be sufficient to cause or aggravate a condition of carpal tunnel syndrome, Dr. Mirly testified that, absent a specific injury, carpal tunnel syndrome was multifactorial and cumulative over a lifetime. Medical factors such as diabetes, low thyroidism, obesity, and gender can be risk factors, as well as hobbies and prior work. He testified as follows:

"That being said, with opening the doors, assuming that it takes a fair amount of force to twist the key, not a step on a pedal and it opens automatically or open sesame, typically would require certain amount of force, twisting, compression of the key, the door locks, door handles. *** But any of those factors are felt to be contributory over a period of time to develop carpal tunnel. So I think they could be

contributory or aggravating but probably not the sole cause of his carpal tunnel."

¶ 13 The doctor explained that increased pressure within the carpal tunnel is what causes carpal tunnel syndrome. The cause of the increased pressure can include a lot of factors, including outside activities and medical conditions, and different individuals have different thresholds.

¶ 14 Dr. Mirly saw the claimant for two visits–June 17, 2004, and August 17, 2004. Dr. Mirly's notes from both visits do not contain any references to the claimant's job duties or the cause of his carpal tunnel condition. On cross-examination, he testified that he did not know the claimant's exact job description. He did not know how long the claimant worked, how many doors he had to open and close per day, how the doors opened and closed, how much force he had to apply to open the doors, what kind of twisting he had to do with his hand, what kind of key he used, or what kind of outside activities in which he engaged. His opinion concerning causation was based on the claimant's statement that his job as a corrections officer required him to open, close, unlock, and lock 200-pound doors every 30 minutes for 12 hours.

¶ 15 Dr. Mirly testified that he could not exclude the claimant's work activities and that the activities "might or could" have contributed to the carpal tunnel syndrome. He emphasized that there were different thresholds between individuals. Factors such as increasing repetition, rate and frequency, increasing force, the amount of force, the combination of both wrist flexion and finger flexion, the period of rest, and the age of the individual were all factors that could contribute to the condition.

¶ 16 Dr. Mirly's initial treatment recommendation involved nonoperative options including a wrist splint and injections. The claimant reported that neither the splinting nor the injections provided him with any relief. Dr. Mirly testified that if the claimant's symptoms were severe, surgery would be a reasonable option.

¶ 17 On November 23, 2004, the claimant filed an application for adjustment of claim. On the recommendation of his attorney, the claimant went to see Dr. Beatty for a medical evaluation in December 2004. Dr. Beatty recommended a carpal tunnel release.

¶ 18 At the arbitration hearing, the employer presented an investigation report dated December 1, 2004, created by Cobb Investigative Services. The report details surveillance of the claimant's outside work activities for Shield's on November 19, 22, and 23, 2004, a period in which the claimant was off duty as a corrections officer due to the injury to his hand. The report states that the claimant was videotaped lifting building materials and using a drill, hammer, circular saw, and other tools without displaying any obvious signs of disability during the surveillance.

¶ 19 The claimant testified that when his work activities were videotaped, he was "just watching his employees, showing them how to put a window in, making sure that it was level." He stated: "You can see me there with a Polo shirt on and Docker pants and I had a white safety hat that I wore. I never wore a tool belt or actually sat there and worked as the report says." On cross-examination, he did admit to using a hammer and a cordless drill, but he denied using a circular saw. He testified that none of the activities aggravated his hand. The videotaped surveillance is not part of the record on appeal.

¶ 20 On December 8, 2004, the claimant met with a sergeant with the sheriff's department. At that time, he had been off work for a couple of months because of the injury to his right hand, but he had continued working for Shield's. The sergeant advised the claimant that he was under investigation for fraud because he had been working for Shield's while he was off work from the employer. The claimant testified that he then resigned as a correctional officer under a threat of criminal punishment.

He testified that Shield's was in business for two more months after he resigned from his employment with the employer.

¶ 21 After resigning as a correctional officer, the claimant obtained employment as a general manager of an automotive shop from May 2005 until December 2008. As a general manager, the claimant worked in an office and used a computer for approximately one hour per day. He did not perform any physical duties, such as maintenance or repair work on vehicles. He did not notice any symptoms in his hand when he used the computer, but he did when he wrote checks. At the time of the hearing, his hand was worse than it was when he left the sheriff's office, and he was not receiving any treatments. Two weeks prior to the hearing, he had started a construction company. He testified that he did not assist with the actual construction work. He bid on jobs and handled payroll.

¶ 22 At the request of the employer, the claimant was examined by an orthopedic surgeon, Dr. William Strecker, on August 29, 2006. Dr. Strecker testified at the arbitration hearing by way of an evidence deposition. The claimant told Dr. Strecker that he started having pain and paresthesias in his right hand approximately two years before the examination and that his symptoms had not improved since he resigned from the sheriff's department. The claimant told Dr. Strecker that his job duties with the employer required opening and closing doors and locking and unlocking each door with a set of keys, approximately 40 doors per round every 30 minutes during his 12-hour shift.

¶ 23 Dr. Strecker conducted a physical examination of the claimant and concluded that he suffered from "a carpal tunnel syndrome on his right hand." Dr. Strecker concluded that the claimant had failed all "conservative care" and that he was "a candidate for surgical decompression of his carpal tunnel."

¶ 24 Dr. Strecker felt that there was no relationship between the claimant's employment and his carpal tunnel syndrome. He explained that there was no medical literature that states that the claimant's job activities would contribute to carpal tunnel syndrome any more than any other activity of daily living. In addition, the claimant had "two significant comorbid factors" that had a "higher incidence of carpal tunnel syndrome than the general population." Those factors were his body mass index, which was significantly higher than the normal population, and his hypertension. Dr. Strecker felt that, with respect to the claimant's description of his job duties, there was "no relationship to carpal tunnel whatsoever."

¶ 25 According to Dr. Strecker, higher incidence of carpal tunnel is associated with "a highly repetitious job with force, that being performing the same repetition multiple times per minute, and having it be a forceful activity." In addition, it is associated with the use of vibratory tools and abnormal wrist position for prolonged periods of time, thereby kinking the nerve. Dr. Strecker did not believe that repetitious activity alone had any higher incidence of carpal tunnel syndrome than any other activity of daily living. Based on the medical literature that he had read, he believed that carpal tunnel syndrome was biological and that there was "no association whatsoever with any occupation." He testified that "all of the medical literature in the last several years points to the fact that [carpal tunnel syndrome] is not in anyway related to [repetitive trauma]."

¶ 26 On cross-examination, the doctor testified that the weight of the doors did not matter as much as the force that the claimant had to exert to open the door. He testified, "So if the door was light, but had faulty hinges, and therefore, he was unable to do it, and he was having to do it with high repetition, high force, that would influence it." He admitted that he did not ask the claimant how much force it took to

turn the jail door key or to open the doors. However, he did not believe that the force the claimant exerted was sufficient to contribute to his carpal tunnel syndrome because "he would have to be usually generating enough force that most patients will complain also of an associated tendinitis or forearm pain." In addition, Dr. Strecker concluded that the claimant was turning the key and opening a door once per minute, and he did not believe that an activity once a minute was "repetitious."

¶ 27 At the conclusion of the arbitration hearing, the arbitrator found in favor of the claimant. The arbitrator found that the claimant sustained accidental injuries arising out of and in the course of his employment with the employer that manifested on May 8, 2004. The arbitrator based her finding of causation on "the chain of events and the records of the [claimant's] treating physicians." The arbitrator found as follows:

"Dr. Mirly testified that [the claimant's] job duties were a contributory or aggravating factor in his diagnosis of carpal tunnel syndrome. Dr. Strecker concurred with [the claimant's] diagnosis but disputed the causal relationship to [the claimant's] employment. The Arbitrator relies on the opinions of Dr. Mirly herein.

Further, the Arbitrator finds [that the claimant] was a credible witness and relies on same herein."

¶ 28 The arbitrator awarded the claimant the reasonable and necessary expenses of Dr. Mirly and Dr. Beatty for the diagnosis and treatment of his carpal tunnel syndrome. The arbitrator ordered the employer to authorize and pay for followup care and treatment with Dr. Mirly.

¶ 29 The employer appealed the arbitrator's decision to the Commission. In its decision and opinion on review, the Commission affirmed and adopted the arbitrator's decision except that the Commission changed the wording concerning two sentences in the arbitrator's statement of facts and added an additional sentence. The

Commission's edits to the arbitrator's decision included the following sentences:

"Petitioner testified he generally had to grab the cell door and gate handles and 'yank' them to get the door or gate open. However, Petitioner also conceded, on cross-examination, that not all the doors were difficult to open and required such effort.

* * *

Petitioner had pointed out that the doors were taken off their hinges and ground down, 'so you wouldn't have to jerk them so hard to get them up.' "

¶ 30 The Commission also modified the arbitrator's award of prospective medical care. The Commission noted that "much time has passed since Dr. Mirly treated [the claimant]." Accordingly, the Commission awarded the claimant one additional visit "for Dr. Mirly to determine what, if any, additional care and treatment might be appropriate, including surgery." One commissioner dissented, maintaining that the claimant failed to prove causation. The employer appealed the Commission's decision to the circuit court. The circuit court entered a judgment confirming the Commission's decision, finding that the Commission's award was not against the manifest weight of the evidence. The employer filed a timely notice of appeal of the circuit court's judgment.

¶ 31 ANALYSIS

¶ 32 On appeal, the employer first argues that the Commission's finding that the claimant's carpal tunnel syndrome was causally connected to his work duties as a corrections officer was against the manifest weight of the evidence.

¶ 33 Under the Act, an injury is compensable only if it arises out of and occurs in the course of employment. *Illinois Bell Telephone Co. v. Industrial Comm'n*, 131 Ill. 2d 478, 483, 546 N.E.2d 603, 605 (1989). The claimant has the burden of proving by a preponderance of the evidence that his injury arose out of and in the course of his

employment. 820 ILCS 305/2 (West 2008). Whether an injury arises out of the claimant's employment is a question of fact to be resolved by the Commission, and its decision in this regard will not be disturbed unless it is against the manifest weight of the evidence. *Illinois Institute of Technology Research Institute v. Industrial Comm'n*, 314 Ill. App. 3d 149, 164, 731 N.E.2d 795, 808 (2000). For a finding of fact to be contrary to the manifest weight of the evidence, no rational trier of fact could have agreed with the Commission. *Durand v. Industrial Comm'n*, 224 Ill. 2d 53, 64, 862 N.E.2d 918, 924 (2006). In making this determination, "[a] reviewing court will not reweigh the evidence, or reject reasonable inferences drawn from it by the Commission, simply because other reasonable inferences could have been drawn." *Durand*, 224 Ill. 2d at 64, 862 N.E.2d at 924. In the present case, applying this standard, we cannot conclude that the Commission's finding that the claimant suffered a compensable work-related injury was against the manifest weight of the evidence.

¶ 34 The claimant does not claim that the injury to his right hand arose out of a sudden traumatic accident. Instead, he maintains that the injury arose from repetitive trauma that occurred over several years from unlocking, opening, closing, and locking heavy steel jail doors. In a repetitive-trauma case, a claimant may recover if "the claimant can show that a bodily structure has eroded over time to the point of uselessness as a result of employment." *Butler Manufacturing Co. v. Industrial Comm'n*, 140 Ill. App. 3d 729, 733-34, 489 N.E.2d 374, 378 (1986). "In cases relying on the repetitive-trauma concept, the claimant generally relies on medical testimony establishing a causal connection between the work performed and claimant's disability." *Williams v. Industrial Comm'n*, 244 Ill. App. 3d 204, 209, 614 N.E.2d 177, 180 (1993). "There must be a showing the injury is work-related and not the result of a normal degenerative aging process." *Williams*, 244 Ill. App. 3d at 209, 614

N.E.2d at 180. It is not necessary to prove that the employment was the sole causative factor or even that it was the principal causative factor, but only that it was a causative factor. *Republic Steel Corp. v. Industrial Comm'n*, 26 Ill. 2d 32, 45, 185 N.E.2d 877, 884 (1962).

¶ 35 All of the medical experts who examined the claimant agreed that he was suffering from carpal tunnel syndrome in his right hand. Dr. Mirly explained that in situations where there has been no specific injury, carpal tunnel syndrome is "multifactorial and cumulative over a lifetime." Many factors can contribute to the condition, and some people are more susceptible to it than others. He stated that in a situation where two people are performing the same task, one person might develop the condition while the other person might not. With respect to the claimant's job duties, Dr. Mirly did not know the exact details of his job description. However, he was told that the claimant's job as a correctional officer required him to open and close 200-pound doors every 30 minutes for 12 hours and unlock and lock doors every 30 minutes for 12 hours. He relied on this job description in forming his opinion concerning causation.

¶ 36 Dr. Mirly testified that there typically would be a "certain amount of force" required to twist the locks and door handles which he felt would be "contributory over a period of time to develop carpal tunnel." He testified that the claimant's job duties "could be contributory or aggravating but probably not the sole cause of his carpal tunnel" and that the activities might or could have contributed to his carpal tunnel syndrome. Dr. Mirly's medical testimony and the claimant's testimony concerning his job duties and the onset of his symptoms were sufficient to establish that the claimant's carpal tunnel syndrome condition was causally connected to his job duties as a corrections officer for the employer.

¶ 37 The Commission may find a causal relationship based on a medical expert's opinion that the injury "could have" or "might have" been caused by an accident. *Mason & Dixon Lines, Inc. v. Industrial Comm'n*, 99 Ill. 2d 174, 182, 457 N.E.2d 1222, 1226 (1983). However, expert medical evidence is not essential to support the Commission's conclusion that a causal relationship exists between a claimant's work duties and his condition of ill-being. *International Harvester v. Industrial Comm'n*, 93 Ill. 2d 59, 63, 442 N.E.2d 908, 911 (1982). A chain of events suggesting a causal connection may suffice to prove causation. *Consolidation Coal Co. v. Industrial Comm'n*, 265 Ill. App. 3d 830, 839, 639 N.E.2d 886, 892 (1994). The Commission's decision in the present case is supported by both medical testimony *and* the chain of events.

¶ 38 The claimant testified that prior to his employment as a corrections officer, he did not suffer from carpal tunnel symptoms. He started experiencing symptoms of carpal tunnel syndrome for the first time when performing his duties as a correctional officer for the employer. The claimant explained that his job duties required him to repeatedly unlock, open, close, and relock heavy steel doors a minimum of 384 times during a 12-hour shift. He performed these duties every 30 minutes and had only a half-hour break for lunch during his shift. The claimant testified that the steel doors were heavy, 200 pounds, that some of the locks were difficult to unlock, and that some of the doors were difficult to open. At some point during the claimant's employment, the employer adjusted some of the doors that were difficult to open. The claimant described the key that he used repeatedly during his 12-hour shift as a large key, five to six inches in length, and explained that he used the key by gripping it between his middle finger and ring finger, inserting it into the lock, and twisting his wrist. The claimant testified that he did not engage in any other activities that

aggravated his carpal tunnel symptoms.

¶ 39 In *Fierke v. Industrial Comm'n*, 309 Ill. App. 3d 1037, 1040, 723 N.E.2d 846, 849 (2000), the claimant was a truck driver who had been diagnosed with carpal tunnel syndrome. He testified that he used his right hand to shift, help steer his truck, and operate various hydraulic equipment on the truck while working for his employer. He testified that his symptoms worsened in proportion to the amount of time spent operating the truck and that he had no prior injuries to his right arm or hand. The court reversed the Commission's finding that the claimant's carpal tunnel syndrome did not arise out of the course of his employment. *Fierke*, 309 Ill. App. 3d at 1041, 723 N.E.2d at 850. The Commission took issue with the lack of medical evidence on the issue of causation. The court, however, stated as follows: "Ignoring the treating doctor's notes, there is no requirement that there be any doctor's testimony to establish causation when the record contains medical evidence consistent with the claimant's testimony and the findings of the treating doctor." *Fierke*, 309 Ill. App. 3d at 1041, 723 N.E.2d at 850; see also *Waldorf Corp. v. Industrial Comm'n*, 303 Ill. App. 3d 477, 482, 708 N.E.2d 476, 480 (1999) ("The fact that the claimant's state of health [(fibromyalgia)] so dramatically changed during the Hallmark job supports the Commission's determination that the claimant's condition of ill-being was causally related to her work.").

¶ 40 In the present case, the record contains medical evidence that is consistent with the claimant's testimony. As Dr. Mirly explained, some people are more susceptible to carpal tunnel syndrome than others. However, "[e]mployers take their employees as they find them." *Tower Automotive v. Illinois Workers' Compensation Comm'n*, 407 Ill. App. 3d 427, 434, 943 N.E.2d 153, 160 (2011). "When workers' physical structures, diseased or not, give way under the stress of their usual tasks, the law

views it as an accident arising out of and in the course of employment." *General Electric Co. v. Industrial Comm'n*, 89 Ill. 2d 432, 434, 433 N.E.2d 671, 672 (1982). In addition, "[i]t is only necessary to show that the stress of the employee's work was *one* causative factor, and need not exclude every other possible contributing factor." (Emphasis in original.) *Ludwig v. Industrial Comm'n*, 192 Ill. App. 3d 729, 736, 549 N.E.2d 1, 5 (1989). The chain of events and the medical testimony together support a finding that the claimant's hand gave way, at least in part, under the physical stress caused by unlocking, locking, opening, and closing the jail doors. The evidence, therefore, supported a finding that the claimant's carpal tunnel syndrome was caused or, at the very least, aggravated by the claimant's job duties.

¶ 41 The employer emphasizes the testimony of Dr. Strecker and urges us to find that the Commission's decision was against the manifest weight of the evidence based on his testimony. Dr. Strecker's opinion, however, was somewhat contradictory. At one point in his testimony, he suggested that carpal tunnel syndrome is associated with "a highly repetitious job with force." Later in his testimony, however, he stated that recent medical literature established that there "was no association whatsoever with any occupation." He testified that "all of the medical literature in the last several years points to the fact that [carpal tunnel syndrome] is not in anyway related to [repetitive trauma]."

¶ 42 The Commission was not required to accept Dr. Strecker's inconsistent opinions concerning the nature of carpal tunnel syndrome and was not required to disregard Dr. Mirly's opinions. At best, the employer has established that the Commission was faced with conflicting medical opinions. When conflicting medical testimony is presented, it is for the Commission to determine which testimony is to be accepted. *Freeman United Coal Mining Co. v. Industrial Comm'n*, 263 Ill. App.

3d 478, 485, 636 N.E.2d 77, 82 (1994). The interpretation of medical testimony is particularly the function of the Commission. *Freeman United Coal Co. v. Industrial Comm'n*, 286 Ill. App. 3d 1098, 1103, 677 N.E.2d 1005, 1008 (1997). The Commission specifically found Dr. Mirly to be a credible witness and relied on his opinions. The appellate court's review of the Commission's decision does not involve a determination of which medical expert is more worthy of belief, but only involves the determination of whether or not there is proper medical evidence in the record sufficient to support the award. *Crane Co. v. Industrial Comm'n*, 32 Ill. 2d 348, 352-53, 205 N.E.2d 425, 427-28 (1965).

¶ 43 The employer also argues that the Commission's decision to award the claimant's reasonable and necessary past and future medical expenses for his diagnosis and treatment of carpal tunnel syndrome was against the manifest weight of the evidence. These arguments, however, stem from its assertion that the Commission's finding concerning causation was against the manifest weight of the evidence. For the reasons noted above, we cannot say that a conclusion opposite of the Commission's is clearly apparent. Therefore, we must affirm the circuit court's judgment that confirmed the Commission's decision.

¶ 44 CONCLUSION

¶ 45 For the foregoing reasons, the judgment of the circuit court is hereby affirmed, and this case is remanded to the Commission for further proceedings pursuant to *Thomas v. Industrial Comm'n*, 78 Ill. 2d 327, 399 N.E.2d 1322 (1980).

¶ 46 Affirmed; cause remanded.