



Carpal Tunnel Syndrome Under the New Law

One of the important changes to the Illinois Workers' Compensation Act is the addition of section 8(e)9, which governs compensation for hand injuries including carpal tunnel syndrome.

Section 8(e)9 now states that for all carpal tunnel injuries which are a result of repetitive or cumulative trauma, the Arbitrator can only award compensation for permanent partial disability for a period of 28.5 weeks. Even if the injured worker proves his loss by clear and convincing evidence and is severely injured, the greatest amount of disability an Arbitrator can award is 57 weeks of compensation. It is important to note that the new law does not limit Arbitrators in their awards for carpal tunnel syndrome caused or aggravated by blunt trauma or crush injuries.

There are a number of different risk factors for carpal tunnel syndrome, including certain occupational risks. These can include activities such as working with vibrating tools or on an assembly line or other job duties that require prolonged or repetitive flexing of the wrist. This may create harmful pressure on the median nerve, or worsen existing nerve damage. This is considered a repetitive or cumulative trauma injury. This is the type of injury for which the new law limits recovery.

Another way that a person can develop carpal tunnel syndrome is by sustaining a crush injury or blunt trauma to the hand or wrist (for example by falling on an outstretched arm or by using his hand and palm as a hammer to knock something in place). This too can narrow the carpal tunnel or aggravate existing nerve damage. An Arbitrator is not limited in his award on this type of crush or blunt trauma injury.

If you sustain a crush or blunt trauma injury that causes or aggravates symptoms of carpal tunnel syndrome, it is important to note the specifics of the injury in both the incident report to your supervisor, as well as the history you provide to your doctor.

The limitations contained in this section do not apply to other types of repetitive trauma injuries, including conditions of the elbow, shoulder, or other parts of the body. This section also does not preclude an injured worker from seeking wage differential or permanent total disability benefits as a result of carpal tunnel syndrome.