

ILLINOIS WORKERS' COMPENSATION COMMISSION  
NOTICE OF ARBITRATOR DECISION

**KRUS, KATRINA**

Employee/Petitioner

Case# **12WC006397**

**PEORIA PUBLIC SCHOOL DISTRICT**

Employer/Respondent

On 10/9/2015, an arbitration decision on this case was filed with the Illinois Workers' Compensation Commission in Chicago, a copy of which is enclosed.

If the Commission reviews this award, interest of 0.06% shall accrue from the date listed above to the day before the date of payment; however, if an employee's appeal results in either no change or a decrease in this award, interest shall not accrue.

A copy of this decision is mailed to the following parties:

1824 STRONG LAW OFFICES  
MICHAEL K BRANDOW  
3100 N KNOXVILLE AVE  
PEORIA, IL 61603

5354 STEPHEN P KELLY  
2710 N KNOXVILLE AVE  
PEORIA, IL 61604

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STATE OF ILLINOIS )  
 )SS.  
COUNTY OF PEORIA )

|                                     |                                       |
|-------------------------------------|---------------------------------------|
| <input type="checkbox"/>            | Injured Workers' Benefit Fund (§4(d)) |
| <input type="checkbox"/>            | Rate Adjustment Fund (§8(g))          |
| <input type="checkbox"/>            | Second Injury Fund (§8(e)18)          |
| <input checked="" type="checkbox"/> | None of the above                     |

**ILLINOIS WORKERS' COMPENSATION COMMISSION  
ARBITRATION DECISION**

**Katrina Krus**  
Employee/Petitioner

Case # **12 WC 6397**

v.

**Peoria Public School District**  
Employer/Respondent

An *Application for Adjustment of Claim* was filed in this matter, and a *Notice of Hearing* was mailed to each party. The matter was heard by the Honorable **Anthony C. Erbacci**, Arbitrator of the Commission, in the city of **Peoria**, on **August 14, 2015**. After reviewing all of the evidence presented, the Arbitrator hereby makes findings on the disputed issues checked below, and attaches those findings to this document.

**DISPUTED ISSUES**

- A.  Was Respondent operating under and subject to the Illinois Workers' Compensation or Occupational Diseases Act?
- B.  Was there an employee-employer relationship?
- C.  Did an accident occur that arose out of and in the course of Petitioner's employment by Respondent?
- D.  What was the date of the accident?
- E.  Was timely notice of the accident given to Respondent?
- F.  Is Petitioner's current condition of ill-being causally related to the injury?
- G.  What were Petitioner's earnings?
- H.  What was Petitioner's age at the time of the accident?
- I.  What was Petitioner's marital status at the time of the accident?
- J.  Were the medical services that were provided to Petitioner reasonable and necessary? Has Respondent paid all appropriate charges for all reasonable and necessary medical services?
- K.  What temporary benefits are in dispute?  
 TPD       Maintenance       TTD
- L.  What is the nature and extent of the injury?
- M.  Should penalties or fees be imposed upon Respondent?
- N.  Is Respondent due any credit?
- O.  Other

**FINDINGS**

On **February 23, 2011**, Respondent *was* operating under and subject to the provisions of the Act.

On this date, an employee-employer relationship *did* exist between Petitioner and Respondent.

On this date, Petitioner *did not* sustain an accident that arose out of and in the course of employment.

Timely notice of this accident *was not* given to Respondent.

Petitioner's current condition of ill-being *is not* causally related to the accident.

In the year preceding the injury, Petitioner earned **\$19,240.00**; the average weekly wage was **\$370.00**.

On the date of accident, Petitioner was **35** years of age, *single* with **1** dependent children.

Petitioner *has* received all reasonable and necessary medical services.

Respondent *has* paid all appropriate charges for all reasonable and necessary medical services.

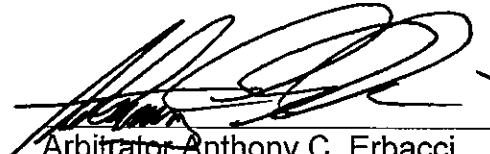
**ORDER**

The Petitioner failed to prove that an accident occurred which arose out of and in the course of her employment with the Respondent on February 23, 2011. The Petitioner's claim for compensation is, therefore, denied.

No benefits are awarded herein.

**RULES REGARDING APPEALS** Unless a party files a *Petition for Review* within 30 days after receipt of this decision, and perfects a review in accordance with the Act and Rules, then this decision shall be entered as the decision of the Commission.

**STATEMENT OF INTEREST RATE** If the Commission reviews this award, interest at the rate set forth on the *Notice of Decision of Arbitrator* shall accrue from the date listed below to the day before the date of payment; however, if an employee's appeal results in either no change or a decrease in this award, interest shall not accrue.

  
\_\_\_\_\_  
Arbitrator Anthony C. Erbacci

October 6, 2015  
Date

OCT 9 2015

**In Support of the Arbitrator's Decision relating to (C.), Did an accident occur that arose out of and in the course of Petitioner's employment by Respondent, the Arbitrator finds and concludes as follows:**

The Petitioner testified that on February 23, 2011 she injured her left arm while she was performing the regular duties of her employment with the Respondent as a cafeteria manager. The Petitioner testified that she was on the loading dock, tossing a bag of garbage into a dumpster, when she slipped on some ice and fell, striking her left arm. The Petitioner testified that she reported the accident to the Principal, filled out an accident report, and was told to go to IWIRC.

The Petitioner testified that following the incident of February 23, 2011, she continued to perform her regular job duties without any pain and she did not miss any time from work. The Petitioner continued to perform her regular job duties until March 22, 2011 when she had an undisputed work injury to her low back. That injury of March 22, 2011 is the subject of claim number 12 WC 393 which is addressed by a separate Arbitration Decision.

There are no medical records which demonstrate that the Petitioner received any treatment at IWIRC on February 23, 2011, or any other date, until she was seen there on March 23, 2011 following her accident of March 22, 2011. There is nothing in the records of IWIRC on or after March 23, 2011 which indicates that an injury occurred on February 23, 2011 or that the Petitioner had any complaints resulting from any incident on February 23, 2011.

At hearing, the Petitioner provided no testimony as to any current condition, disability, or problem with her left arm. The Arbitrator notes that, in addition to the Petitioner's testimony being unsupported by any medical records, the Petitioner's testimony on cross examination demonstrated that the Petitioner's memory was so poor that her testimony cannot be considered to be reliable.

Based upon the foregoing, and having considered the totality of the credible evidence adduced at hearing, the Arbitrator finds that the Petitioner failed to prove that an accident occurred which arose out of and in the course of her employment with the Respondent on February 23, 2011.

As the Arbitrator has found that the Petitioner failed to prove a compensable accident occurred, determination of the remaining disputed issues is moot.

The Petitioner's claim for compensation is denied and no benefits are awarded herein.