

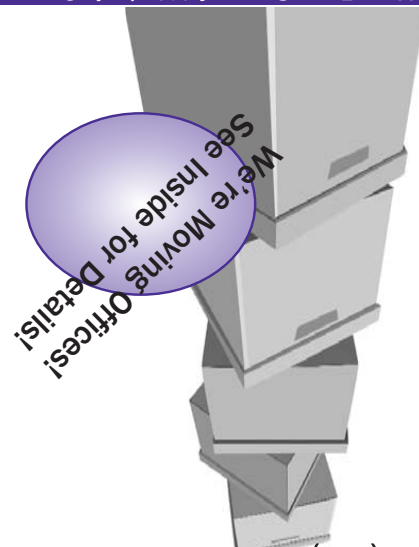
Your Free Copy of Worker's Compensation TODAY  
from The Law Offices of STYKA & STYKA, LLC

Styka  
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Attorneys At Law

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# WORKER'S COMPENSATION TODAY

We Focus on Worker's Compensation, So You Can Focus on Life



**The Law Offices of  
Styka & Styka, LLC**  
134 N. LaSalle St., Ste. 1410  
Chicago, Illinois 60602  
[www.StykaLaw.com](http://www.StykaLaw.com)  
Tel (312) 357-8000

## Worker's Compensation Law Update

### Illinois Justices Redefine "Date of Injury" for Worker's Comp Cases

Last fall, the Illinois Supreme Court handed down a major decision in favor of victims of work-related repetitive stress injuries. Under the law, a worker's compensation claim must be filed within three years from the date of injury.

At issue in *Deana Durand v. Industrial Commission, et al.*, was the date the injury manifested itself. For repetitive-trauma cases, this date can be hard to pinpoint and is a topic of considerable debate in worker's compensation trials.

According to the *Chicago Daily Law Bulletin*, Ms. Durand, a policy administrator for RLI Insurance Co. in Peoria, first noticed pain in her hands in September or October 1997. She believed the pain was work-related but wasn't sure because the pain wasn't severe or constant. At the time, she was able to continue working. She was not diagnosed with carpal tunnel syndrome until September 2000, and she filed her claim in January 2001.

Durand was awarded benefits that were later revoked by the Illinois Industrial Commission, which stated her claim was filed after the statute of

limitations on work injuries. According to the *Bulletin*, both a Peoria judge and the Workers' Compensation Commission Division of the Appellate Court confirmed the ruling. But in a 4-2 ruling, the Illinois Supreme Court overturned the Appellate ruling.

Illinois Supreme Court Justice Thomas R. Fitzgerald wrote that Durand would have had trouble proving her case if she had filed in 1997 because her description of the injury at the time

*"We decline to penalize an employee who diligently worked through progressive pain until it affected her ability to work and required medical treatment."*

—Justice Thomas Fitzgerald,  
Illinois Supreme Court

was "sketchy." In fact, she had doubts about her injury until 2000.

Therefore, Fitzgerald wrote for the majority, it was wrong for the commission to conclude that she should have known about the injury before then.

"Durand's claim was timely. We decline to penalize an employee who diligently worked through progressive pain until it affected her ability to work and required medical treatment."

Fitzgerald also wrote in the majority opinion that while a formal diagnosis is not required to set the manifestation date, "however, because repetitive-trauma injuries are progressive, the employee's medical treatment, as well as the severity of the injury and particularly how it affects the employee's performance, are relevant in determining objectively when a reasonable person would have plainly recognized the injury and its relation to work."

## A Letter from Sylvia Styka

Dear Readers:

Welcome to the premiere issue of **Styka & Styka Worker's Compensation TODAY**.

Our goal is to produce for you, our clients past and present, a free, informative resource on issues in Worker's Compensation Law, injury recovery, and related topics.

Illinois' worker's compensation laws are some of the most intricate in the nation. We hope our quarterly newsletter not only assists in clarifying issues common to worker's compensation recovery but also helps you and your family maintain or improve your everyday health.

In coming issues, look for articles on what to do if old work-related injuries return, coping emotionally with long-term disabilities, Illinois worker's compensation law updates, and more.

Each issue of **Worker's Compensation TODAY** will also be available on our web site. Check it out at [www.StykaLaw.com](http://www.StykaLaw.com).

Sincerely,  
Sylvia Styka

### We're Moving!

As of Sept. 1, 2007, Styka & Styka will be located at: 134 N. LaSalle St., Ste. 1410 Chicago, IL 60602

Our Telephone & E-Mail Remain:  
(312) 357-8000  
[sastyka@stykaw.com](mailto:sastyka@stykaw.com)

## STYKA & STYKA, LLC

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## Welcome to WORKER'S COMPENSATION TODAY

### Inside Today's Issue:

- Illinois Justices Redefine Date of Injury
- Chronic Pain & Depression: Recognize the Warning Signs
- Maximize Your Claim with Good Record-Keeping
- Our Office Is Changing—See Page 1!



Your FREE Informational Newsletter

## In Focus: Bills, Bills, Bills

### Maximize Your Claim with Good Recordkeeping

WHEN IT COMES TO WORK-RELATED INJURIES, THE MEDICAL BILLS CAN REALLY ADD UP. AND ON TOP OF IT ALL, YOU'VE ALSO EXPERIENCED A LOSS OF INCOME FROM TIME OFF WORK. FOLLOW THESE WORKER'S COMPENSATION CLAIM TIPS TO HELP US RECOVER ALL OF YOUR LOSSES.

Your record keeping is one of the most important parts of your worker's compensation claim. Accurate and thorough records help us not only move your claim faster but also assist us in recovering the maximum financial claim.

#### Doctor Visits & Medical Bills

Be sure to keep copies of all of your medical bills, including receipts for over-the-counter medications as well as prescriptions. When visiting a physician or medical office, pick up a business card and send it to us along with your most recent batch of bills. We need the names and addresses of everyone who treats you.

**Please keep us up to date on your condition. Call your lawyer at Styka & Styka after each doctor or medical appointment.**

Always make sure that hospitals and doctors know that your injury is work-related. Give every doctor, hospital, and medical facility the names and addresses of your employer and your employer's worker's compensation insurance carrier for billing.

#### Communicate with Your Doctor

Using a journal to record your physical complaints will help you remember everything you need to tell your doctor since your last appointment.

Be sure to keep all of your medical appointments. If you absolutely cannot make an appointment, call the doctor before the appointment to reschedule (ideally, 24 hours in

advance).

Always be sure to follow your doctor's instructions carefully. **If your doctor changes your treatment or suggests surgery, call us immediately.**

#### Cooperate with Your Employer

Don't forget to keep your employer up to date on your recovery—but do not to discuss the circumstances of your case with your employer or any one else except your doctors and your lawyer at Styka & Styka.

Your employer's insurance company may set up an evaluative exam. Bring your daily journal with you and thoroughly go over the history of your injury and all of your complaints.

If you are released to a lighter-duty job that pays less than your regular job, keep track of lost wages.

Try to work out any misunderstandings about your physical condition or your job with your employer. If you have a serious problem, though, be sure to contact our office at (312) 357-8000.

#### Working with Styka & Styka

At Styka & Styka, LLC, we work hard to effectively settle work injury claims with maximum financial compensation. To help us successfully handle your case, please do not discuss the circumstances of your case with anyone except the people in our office and your doctors.

*If you, a relative, or a friend suffer a work-related injury, call Styka & Styka at (312)357-8000.*

1. Send Us Copies—on a regular monthly basis—of your medical bills and the names of any new physician or medical facility that has treated you.

2. Use a calendar to keep daily journal records of:

- Lost work time and/or wages. Don't forget time lost for medical appointments after you have returned to work.
- Each doctor, lab, and hospital appointment on the day and time that it occurred.
- Medical complaints as they occur.
- The date you returned to work.

3. Social Security—If you will be off work, or have been off work, for 12 months or more, you may be eligible for Social Security disability benefits. Find your local office by calling 1-800-772-1213 or going to [www.ssa.gov](http://www.ssa.gov)

4. Call us immediately after each doctor's appointment, if you have a change in medical treatment, or your condition changes. We also need to know when you are released back to work.

#### RECORDKEEPING TIPS

## Alert: Depression & Chronic Pain

Workplace injuries bring with them a wide variety of challenges and hurdles to overcome. When that also involves chronic pain, the long-term consequences can be even more daunting than the initial injuries themselves.



When a workplace injury results in chronic pain, a number of factors combine to create an increased likelihood of depression.

"People with chronic pain have three times the average risk of developing psychiatric symptoms—usually mood or anxiety disorders—and depressed patients have three times the average risk of developing chronic pain," according to a September 2004 article in the Harvard Mental Health letter.

#### Chronic Pain Is More than Physical

According to the Harvard newsletter, "pain, especially chronic pain, is an emotional condition as well as a physical sensation. It is a complex experience that affects thought, mood, and behavior and can lead to isolation, immobility, and drug dependence."

"Depression is the most common emotion associated with chronic pain," according to the American

Chiropractic Association. Their web site states "It is thought to be 3 to 4 times more common in people with chronic pain than in the general population. . . . The combination of chronic pain and depression is often associated with greater disability than either depression or chronic pain alone."

The National Pain Foundation, citing a 2002 research paper on the subject, quotes similar statistics: "About 30% of patients with persistent pain conditions suffer from clinical depression related to their pain, and almost all persons will experience some mood changes. Seventy-five percent of patients with clinical depression present to their doctors because of physical symptoms, including pain."

#### Depression Is Treatable

Whatever the numbers, the reality is that depression brought on by chronic pain following a workplace accident can be even more debilitating than the injuries themselves. In addition, chronic pain sufferers are likely to be depressed about any accompanying job loss, a change in their work role as a result of the accident or injuries, or the trauma of the event itself.

A Stanford University study published in the January 2003 issue of the Journal Archive of General Psychiatry found "that people who have major depression are more than twice as likely to have chronic pain when compared to people who have no symptoms of depression."

This is all the more reason to pay careful attention to family who suffer from work-related injuries. If you notice any of the signs of depression [see side panel], contact your health care provider. Depression can be treated with medications, many in affordable generic prescriptions.

#### Signs & Symptoms of Depression

If you or a loved one suffers from chronic pain, be on the watch for signs of depression. Some of the signs and symptoms related to depression reported by patients treated at pain clinics include:

- Fear of Injury
- Decreased Self-Esteem
- Physical Deconditioning
- Sleep Disturbance
- Less Interest in Sex
- Family Stress
- Work & Legal Issues
- Feelings of Hopelessness
- Financial Concerns
- Altered Mood, including irritability, agitation, anxiety & loss of concentration
- Loss of Interest in Daily Activities

*If you have been diagnosed with depression caused by pain from a work-related injury, call Styka & Styka at (312)357-8000.*

(Source: D C Turk, "Beyond the symptoms: The painful manifestations of depression." Presented at Pain and Depression: Navigating the Intersection of Body and Mind Symposium, San Diego, 20 August 2002." and [www.mayoclinic.com](http://www.mayoclinic.com))

**Worker's Compensation TODAY. Styka & Styka, LLC**  
134 N. LaSalle, Ste. 1410 New Location!  
Chicago, IL 60602

Tel. (312) 357-8000 E-Mail: [sastyka@stykalaw.com](mailto:sastyka@stykalaw.com)

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