

Testimony from Mitch Abbett - Human Resources Manager - Holten Meat, Inc.

I have been involved in one way or another with workers' compensation for over twenty years. I have worked as an insurance adjuster handling Illinois Workers' Compensation claims and I have administered my employers claims in both Illinois and Missouri. I have extensive experience with the system.

There are several areas we need reform. Below are what I would consider primary considerations:

Work Related: In Illinois, all an employee has to prove is the "*possibility it might have occurred.*" What I mean by this is an employee can report an injury or their current condition was caused by... whatever reason they decide and if it is possible that might have occurred, we are considered liable for the injury or condition. By case law, Illinois employers are required to accept whatever reason an employee gives as the cause as the truth and the burden of proof then lies on the employer to disprove this as fact. The reporting time of 45 days has for all intents and purposes been rendered non-existent.

Work Aggravated: We all hear, Illinois is a "Buyer Beware" state. Regardless of the cause or reason, if the work aggravates a pre-existing condition, we as an employer are responsible. What this brings is most any condition can and has been deemed to be aggravated by the employment. We are no longer allowed to investigate a person's medical history during the interview process to determine if the employment could pose an issue. I have handled claims where the work aggravated issue was used even when the employee was negligent in their own medical care causing their condition to worsen and the employment be determined as an aggravating factor. I have had an employee that has worked as a home rehabber and a problem that was developed doing that business has become aggravated by his current condition.

Medical Control: The principle of an employee having Medical Control has brought up several issues. As with any situation where there is little or no control, it breeds abuse. Over my years, there have been countless medical providers that have treated workers' compensation claims much differently than their regular patients. They claim the documentation requirements as a justification for billing at a higher rate. Their office visits increase. They refer the employee to physical therapy facilities where they have a financial stake. Taking employees off work based on subjective complaints increase. The Commission is biased against doctors we use to combat employee's choice of providers.

Settlements: On the matter of settlements, I have a hard time understanding how over the course of the years, negotiated settlement awards could increase. Twenty years ago, the settlement percentage for a bilateral Carpal Tunnel procedure in Southwestern Illinois was normally settle for 12.5% for the non-dominant hand and 15% for the dominant hand. Today, that same situation is settled at 17.5% and 20% respectively. How can the current day employee have

a greater degree of disability over the employee of 20 years ago. Has the medical profession digressed? How is it the same negotiated settlement amount is different for our region than it is for say Cook County? Employees are receiving settlements for conditions where there is no permanent partial disability. Muscle strains are now receiving settlement awards.

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Thank you,

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