

using the combined values chart. (AMA Guides to the Evaluation of Permanent Impairment, Fifth Edition, p. 604) Seven (7) percent of 500 weeks is 35 weeks. Claimant is entitled to 15 weeks of benefits for the permanent partial disability in his arms.

(Arbitration Dec. pp. 11, 12)

The order portion of the decision held;

Defendants Bodine Electric and Amerisure Partners Insurance shall pay claimant thirty-five (35) weeks of permanent partial disability benefits at the weekly rate of five hundred seventy and 27/100 dollars (\$570.27) commencing August 19, 2017.

(Arb. p. 14)

The defendants' motion for Nunc Pro Tunc correctly states that using the combined values chart the upper extremity ratings should be converted to a body as a whole before using the combined values chart.

The undersigned made an error in applying the combined values chart. It was the intention of the undersigned to correctly apply the combined values chart.

The defendants correctly state that based upon the conversion chart in the AMA Guides 5th Ed. (Table 16-3 p. 439), a five percent upper extremity impairment converts to a three percent whole body. A three percent upper extremity impairment converts to a two percent whole body.

Applying the combined values chart correctly the claimant has a five percent whole body impairment. This entitles claimant to 25 weeks of benefits.

Defendants' motion for Nunc Pro Tunc is granted.

The arbitration decision of April 21, 2020 is amended as follows:

The following sentences in strikethrough are remove from the decision.

~~Since claimant has suffered a permanent functional loss of 5 percent to the left upper extremity and 3 percent to the right upper extremity, these ratings are appropriately converted to 7 percent of the body as a whole, using the combined values chart. (AMA Guides to the Evaluation of Permanent Impairment, Fifth Edition, p. 604) Seven (7) percent of 500 weeks is 35 weeks. Claimant is entitled to 15 weeks of benefits for the permanent partial disability in his arms.~~

~~Defendants Bodine Electric and Amerisure Partners Insurance shall pay claimant thirty-five (35) weeks of permanent partial disability benefits at~~

~~the weekly rate of five hundred seventy and 27/100 dollars (\$570.27) commencing August 19, 2017.~~


In their place the following language shall be substituted.

Since claimant has suffered a permanent functional loss of 5 percent to the left upper extremity and 3 percent to the right upper extremity, these ratings are appropriately converted to 5 percent of the body as a whole, using the conversion chart and combined values chart. (AMA Guides to the Evaluation of Permanent Impairment, Fifth Edition, pp. 439, 604) Five percent of 500 weeks is 25 weeks. Claimant is entitled to 25 weeks of benefits for the permanent partial disability in his arms.

Defendants Bodine Electric and Amerisure Partners Insurance shall pay claimant twenty-five (25) weeks of permanent partial disability benefits at the weekly rate of five hundred seventy and 27/100 dollars (\$570.27) commencing August 19, 2017.

SO ORDERED.

Signed and filed this 11th day of May, 2020.



JAMES F. ELLIOTT
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

The parties have been served as follows:

Caitlin Kilburg (via WCES)

Mark Sullivan (via WCES)