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## **Press Release | For Immediate Release (2/17/2005):**

### **"A Job To Die For" From Extra News, by Casey Sanchez**

"You want to see my arm don't you?" says Rafael Esparza.

I'm not sure that I do. I've just set foot in Esparza's house, The 33 year old sits in a chair as his young son and daughter play in the kitchen. Over the phone, Rafael described to me the freak workplace accident that destroyed his bicep and ripped the flesh off his back and belly.

He rolls up his shirt sleeve. His left bicep looks like it has been run over by an El train. I keep talking to him. I want to hear his human voice because the twisted cylinder of flesh on his upper arm does not look human at all.

#### **We've Never Really Seen an Injury Like This Before**

"They [his doctors] were just blunt with me. They said, 'We've never really seen an injury like this before'," said Esparza.

Five years ago, he was working for Viking Materials, in Franklin Park. While wiping down excess oil off an extruder, a machine which shapes steel by forcing metal sheets through two heavy-duty industrial grade rollers, the rag he was using got caught on a burr. His hand slipped and went through the rollers of the extruder. Esparza tried to push the emergency stop button but could not reach it.

"I started screaming for help. By the time they managed to help me out my arm was [in the machine] up to my shoulder. The machine had pulled the skin off belly and upper chest. Literally, it just peeled it off."

The accident took place on January 25, 2000, just before 7PM. Esparza says he was fully conscious until he got his first shot of a painkiller at 2am later that evening.

"[They told me] We don't know what to do to save your arm," said Esparza. My shoulder swelled to practically the size of my head. My arm was just limp."

Esparza spent the next few weeks in the hospital undergoing surgeries to treat his arm and skin grafts to rebuild the flesh that had been scalped off his back and abdomen.

## **An Unusual Courtroom Success**

Five years after his accident, not only is his arm injury permanent, but so too is the pain. He's tried hundreds of different combinations of painkillers in the hopes of numbing his arm. None has worked. Under his doctor's orders, he currently takes 17 pills of prescription painkillers and anti-depressants each day. Nine of which are methadone -- synthetic heroin.

"They told me, Rafael, there are thousands of medications that are used for pain. One of them is going to stop the pain." The pills haven't ended the pain, but they do "take the edge off."

But I'm not writing this to milk anyone's sympathy for Esparza. Actually anyone who's been severely injured at work, or knows someone who has, would have a lot to learn from Esparza and his lawyer.

Unlike other victims of job accidents, Esparza and his lawyer, Neal Strom, of Strom and Associates, have so far refused to settle for a cash payment. Many others who have been severely injured in the workplace take a cash settlement in the range of several hundred thousand dollars and agree to forfeit their health insurance.

All those pills that Esparza takes cost \$683 a month. But all those surgeries, physical therapy sessions, psychiatrist visits and medical supplies? He's never paid a dime. Worker's compensation insurance has covered all of it.

Workers Comp, as it's known, has tried twice to cut off Esparza from his benefits. His lawyer has successfully argued that they were wrong to do so. In addition to restoring his medical benefits, he won psychiatric care and back pay from his job.

He did so by arguing that Esparza suffers from Post-Traumatic Stress Syndrome, a condition usually only diagnosed for the survivors of a war or a violent crime.

### **I Kept Reliving It**

Esparza returned to his job performing "light industrial work" as an office manager. But that meant walking past the machines that destroyed his arm and took his life.

"I would go out there and hear these machines running at full capacity. I couldn't handle it. I would break down in cold sweats. I kept reliving it," said Esparza.

At first, his plant manager was sympathetic and would try to re-schedule Esparza to avoid the machines. A new plant manager came in and continued to write-up Esparza during his anxiety episodes. He was let go from Viking in 2001. Esparza and his wife divorced shortly thereafter.

Esparza said, "I was a down dog and I just felt like I was getting kicked."

Strom, his lawyer, went to court arguing that Worker's Comp owed him back pay and continued health and psychiatric care. He argued in court that Esparza's post-traumatic stress disorder was a result of his workplace injury and so Workers Comp had to cover it. Strom went so far as to call Esparza's injury "a near death experience."

As a result of the courtroom victory, Workers Comp continues to pay all of Esparza's dental bills and prescriptions.

## Trouble Still Ahead

Recently, Esparza has been cut off again from Workers Comp again for missing some of his vocational training classes (He's nine credits away from a business administration degree).

Both Esparza and his lawyer are arguing that his injury prevents him from attending early-morning classes. One of the severe side effects of his many prescription painkillers and anti-depressants is an extreme drowsiness.

"I'm a single dad. If I didn't have my two kids, I would sleep for 22 hours a day," said Esparza.

The son of Mexican immigrants, Esparza has lived most of his life in Little Village or near Midway Airport. Cut off from his weekly compensation, he's moved to suburban Romeoville with his 6-year-old son and 3-year-old daughter. They live there with his brother.

"I can lift a gallon of milk, a case of pop. But I can't physically lift it and put it on top of the table," said Esparza. "My little girl constantly stares at my arm. She rubs her hand over it. You can just feel the emotion in her eyes. She just stares at it in disbelief, 'what's wrong with my daddy?'"

Still, before self-pity sets in, Esparza thinks of a man he met from his parents home of Durango, Mexico. While at work in a factory, the man's hand was crushed under the weight of punch press, "como una tortilla," said Esparza.

"This gentleman doesn't speak any English. He doesn't know a lot about law. He got a settlement after the injury in the low-six figures and bought a house," said Esparza. "But he's still working, doing the same job without the use of his left hand."

Injuries like Esparza's last a lifetime. With medical bills like his, the payout from a cash settlement might last only a few years. That's a warning Esparza has for anyone who has the misfortune to be injured at work like he was.

"I would like to have a house [from a settlement] but I've sacrificed a lot," said Esparza. "Don't just look at this lump sum of money. You have other options."

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