

## Judge criticized Tyson guidelines

*Carpal tunnel policy modified since 2002*

BY AMES ALEXANDER  
Staff Writer

A judge sharply criticized policies at one large poultry company that encouraged nurses to delay medical treatment for some injured workers.

Tyson Foods, in a manual once issued to company nurses, provided the following guidance on how to handle workers with symptoms of carpal tunnel syndrome, a painful hand ailment: Treat them in-house and “if not improving after 4 weeks, refer to a physician.”

Administrative Law Judge Murphy Miller concluded in 2002 the policy left Georgia worker Carolyn Johnson with permanent injuries.

“An employer that ... requires four weeks of in-house treatment before a physician referral charts a collision course with medical disaster,” the judge wrote. “The employee’s permanent nerve damage is the foreseeable result.”

Tyson said its guidelines were based on recommendations from medical providers. But the company has since modified them “to ensure everyone clearly understands workers have the option of immediately being referred to a physician at their request,” a company spokesman wrote in an e-mail to the Observer.

At Tyson’s Buena Vista, Ga., plant, Johnson pulled thousands of chicken breasts from their carcasses each day.

In 2000, she told supervisors she was suffering from hand pains, according to workers’ compensation documents. She later visited company nurses, who gave her 2,400 milligrams of ibuprofen a day – twice what manufacturers recommend for those without prescriptions. Experts warn that too much ibuprofen can lead to ulcers, liver damage and even death.

The company didn’t send Johnson to a doctor until three months after she first complained to supervisors, records show. By that time, tests found she had severe carpal tunnel.

Tyson said it could not discuss the details of Johnson’s case. But a spokesman wrote that company officials “work diligently” to make sure injured workers receive proper medical treatment.



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Former House of Raeford worker Celia Lopez, 44, came to the U.S. because jobs were scarce in her Mexican hometown. Her pay helped with her grandmother’s medicine and children’s schoolbooks. The scar on her left hand is from carpal tunnel surgery. She later had the same surgery on her right hand.

# A worker’s grueling day

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Celia Lopez felt lucky when she was hired at the House of Raeford Farms turkey plant in Raeford. But after six years, the 44-year-old mother of three said she feared the “hands that take care of my family” are ruined. Last February, Fayetteville Dr. Stanley Gilbert performed carpal tunnel surgery on her left hand. In June, he performed surgery on her right hand. At the Observer’s request, Lopez recounted a typical day:

**6:45 a.m.** – Lopez walks through the gate of the sprawling plant. She’s struck by the pungent smell of ammonia.

She punches her timecard and puts on her gear – rubber boots, apron, hairnet and two pairs of gloves. She rushes to position. Workers must be at their posts before the production line starts. No excuses.

**7 a.m.** – The line starts. Lopez begins by grabbing and placing turkey breasts on plates to be weighed. Each plate must weigh between 6 and 6½ pounds. She grabs meat with her right hand and uses her left to hold the plate, then pushes the turkey along the line. She’ll repeat this process hundreds of times an hour.

**9:30 a.m.** – If Lopez needs a bathroom break, she must wait until a supervisor finds someone to replace her on the line. This can take minutes or hours – if approved at all. “Bathroom breaks are a privilege, not a necessity,” she said her bosses told her. If granted, she has 10 minutes to remove her gear, use the facilities and return.

**11 a.m.** – Lunch.

**11:30 a.m.** – Back on the line. She has processed hundreds of pounds of meat. The line is moving fast; workers struggle to keep pace, she says. Conversation is minimal.

**2 p.m.** – Break. She looks for a wall to press her back against and stretch her muscles.

**2:30 p.m.** – The next two hours are the hardest – the piles of meat seem endless, she says. Her back cramps, pain spreading to her shoulders, arms and hands. She is exhausted from standing. Sometimes she feels dizzy.

**4 p.m.** – She punches out. She changes out of her work clothes, washes her face and leaves.

**4:30 p.m.** – She arrives home and takes a shower. “The meat smell gets stuck in your skin,” she says.

**About 7 p.m.** – She helps cook dinner for her family. Grasping a spoon is hard, she says. She uses two hands to carry a dinner plate. Basic tasks take longer because of the pain. “It’s like ants crawling through my hands, up my arms,” she says.

**9 p.m.** – She takes two ibuprofen pills before rubbing her hands with alcohol and lotion – a nightly routine.

**9:30 p.m.** – She goes to bed.

**Midnight – 2 a.m.** – Lopez frequently wakes up, hands cramping. She squeezes her fists and rubs her fingers to get blood flowing. She may wake up four times a night; each time the pain is worse. She swallows more ibuprofen.

**5 a.m.** – Her alarm sounds. The line starts in two hours. “Sometimes I cry. I just pray to God that he will show me the way.”

Lopez was fired from the plant in July after police charged her with assuming the identity of a California woman. Police say Lopez, who moved to Raeford from Mexico six years ago, obtained the name and Social Security number of another person to gain employment, a common practice of illegal immigrants. According to police, the California woman was in jeopardy of losing Social Security benefits because of Lopez’s actions. A warrant for Lopez’s arrest was issued in December when she missed a court date.

## Path to doctor sometimes obstructed

Medical from 13XX

“That’s crazy,” said Dr. Paul Perlik, a Charlotte hand surgeon. “...If you isolate your diagnosis to that, you could miss a whole lot of stuff.”



Perlik

### Questionable treatments

At House of Raeford and other poultry companies, first-aid workers sometimes provide treatments that may harm workers more than help them.

Some attendants, for instance, have dipped workers’ aching hands in hot wax or water.

Doctors say the heat momentarily eases pain but can cause inflamed tendons and tissues to swell more.

One worker at House of Raeford’s Greenville, S.C., plant said that when he awakes, the fingers of his left hand are often locked into a half fist. The worker, who asked not to be named because he fears losing his job, said he must pull each finger straight. The pain, he said, feels like pulsating needles.

When he visited the company first-aid station, he said, “all they give you is cream, maybe dunk your hand in hot water ... and send you back to the line.”

A company nurse refused to send him to a doctor, he said. But he went on his own and was told he was devel-

### N.C. panel says Raeford worker fired after injury

Some House of Raeford employees say the company fires workers who get injured.

In the case of Cecilia Alvarez, the N.C. Industrial Commission agreed. Alvarez suffered pain and numbness in her hands while working a job that required her to pack about 300 turkey legs hourly at a House of Raeford plant west of Fayetteville.

Documents from her workers’ compensation case show what happened next:

She began to complain to her supervisor about the pain in August 2002. In November of that year, a physician assistant concluded that her condition was work-related and said testing should be done to rule out carpal tunnel syndrome.

House of Raeford never referred Alvarez for further treatment or testing. And despite orders from the physician assistant that she not be given work requiring repetitive hand motions, the company continued to give her such jobs.

In November 2004, Alvarez visited a surgeon, who concluded she had carpal tunnel syndrome. After she returned to work with a note restricting her to light duty, the company sent her home, saying it had no lighter job for her. The company never offered her further work.

In approving Alvarez’s workers’ compensation claim, the commission said House of Raeford “presented no evidence that they terminated (Alvarez) for any reason other than her compensable disability.”

House of Raeford said it settled its case with Alvarez but couldn’t discuss it because of a confidentiality agreement. — AMES ALEXANDER

oping carpal tunnel.

“I can put my hand in hot water at home,” the worker said. “What do I need a nurse for?”

The nurse at the Greenville plant declined to comment. She is a licensed practical nurse trained in ergonomics, said complex manager Barry Cronin.

“If an employee has even a slight injury or discomfort, (she) takes aggres-

sive medical management to relieve symptoms before a little problem becomes a big problem,” Cronin said in a written response to Observer questions.

### Trouble with the law

The Observer discovered that two medical workers responsible for the health care of plant employees have

### Spanish version

See a Spanish version of this series at [www.charlotte.com/espaiol](http://www.charlotte.com/espaiol)

criminal records.

Steffeny Harris came to House of Raeford with a record dating to the early 1980s, including felony convictions for forgery and obtaining property under false pretenses. In 1997, she pleaded guilty to misappropriating more than \$2,000 from an 84-year-old resident at an assisted living home she ran in Greenwood, S.C.

Soon afterward, she responded to a newspaper ad and was hired as medical director at House of Raeford’s Greenville plant. Trained as a certified nursing assistant, Harris said she felt well-equipped to handle the job.

During her time at the plant, from the late 1990s until 2002, Harris said she treated about 50 workers who complained of sore hands and wrists and sent about 15 to a doctor. She referred those workers to physicians only if they complained more than twice, she said.

She said she learned to distinguish between employees who truly needed help and those simply seeking a break from work.

“You can just tell,” Harris said.

She said a manager at the plant once summoned her to his office shortly after she was hired and asked why she was sending so many workers to the doctor.

She said she explained that workers

were getting hurt.

The manager, she said, told her it was her job to keep workers from going to the doctor.

Harris said she continued to send workers to the doctor if she believed they needed to go.

In a letter to the Observer, Cronin, the complex manager, said: “We absolutely have no recall of such a conversation.”

Cross, the physician assistant who has treated House of Raeford workers, also has had trouble with the law.

In 2002, he was sentenced to 27 months in federal prison for submitting false Medicare claims. Among other things, he was accused of submitting bills for examining patients who had already died.

His medical license was reinstated in 2004, after he was released from prison and paid restitution. As of last year he was under contract to provide medical care for House of Raeford workers.

He declined to be interviewed at length but said his criminal record isn’t relevant to his work today. “All I’m trying to do is help people on a daily basis,” he said.

Shelnutt, House of Raeford’s human resources director, said the company didn’t know about Cross’ criminal record until recently. However, he said, that record “had nothing to do with the treatment of patients.

“I believe people deserve a second chance,” he said.

— STAFF WRITER KAREN GARLOCH AND RESEARCHERS MARIA WYGAND, SARA KLEMMER AND MARION PAYNTER CONTRIBUTED.

“

All I’m trying to do is help people on a daily basis.”

HARRY CROSS, PHYSICIAN ASSISTANT