

No. 5-15-0518WC

**NOTICE:** This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIFTH DISTRICT

COLLINSVILLE REHABILITATION & HEALTHCARE CENTER,	)	Appeal from the
	)	Circuit Court of
	)	Madison County
Appellee,	)	
	)	
v.	)	No. 15 MR 196
	)	
ILLINOIS WORKERS' COMPENSATION COMMISSION, <i>et al.</i> ,	)	Honorable
	)	John B. Barberis,
(Diane Patterson, Appellant).	)	Judge, Presiding.

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JUSTICE HOFFMAN delivered the judgment of the court.  
Presiding Justice Holdridge and Justices Hudson, Harris, and Stewart concurred in the judgment.

**ORDER**

¶ 1 *Held:* We vacated the judgment of the circuit court reversing a decision of the Illinois Workers' Compensation Commission (Commission) for lack of jurisdiction and remanded the matter back to the Commission.

¶ 2 The claimant, Diane Patterson, filed an application for adjustment of claim pursuant to the Workers' Compensation Act (Act) (820 ILCS 305/1 *et seq.* (West 2012)), seeking benefits for injuries she sustained on August 20, 2013, while in the employ of the respondent, Collinsville Rehabilitation & Healthcare Center (Collinsville). Following a hearing held pursuant to section

19(b) of the Act (820 ILCS 305/19(b) (West 2012)), the arbitrator found that the claimant failed to prove that her injury was the result of an accident that arose out of and in the course of her employment. As a consequence, the arbitrator declined to address the remaining issues and denied the claimant benefits under the Act.

¶ 3 The claimant sought review of the arbitrator's decision before the Illinois Workers' Compensation Commission (Commission). On July 7, 2015, the Commission, with one commissioner dissenting, reversed the arbitrator's decision, finding that the claimant's injury did, in fact, arise out of and in the course of her employment with Collinsville. The Commission remanded the matter back to the arbitrator "to address those issues previously deemed moot."

¶ 4 Collinsville then filed a petition for judicial review of the Commission's decision in the circuit court of Madison County. On November 18, 2015, the circuit court reversed the decision of the Commission, holding that the Commission's determination that the claimant's accident arose out of and in the course of her employment was against the manifest weight of the evidence. Thereafter, the claimant filed the instant appeal.

¶ 5 Although the parties did not raise the issue of the circuit court's jurisdiction in their briefs on appeal, this court has an obligation to examine the jurisdictional issue *sua sponte*. That obligation stems from the fundamental principle that, if the circuit court lacked subject matter jurisdiction, then its orders are void and of no effect. *Supreme Catering v. Illinois Workers' Compensation Comm'n*, 2012 IL App (1st) 111220WC, ¶ 7. "The failure of a party to object to the lack of subject matter jurisdiction cannot confer jurisdiction upon the court." *Id.* Subject matter jurisdiction cannot be waived, stipulated to, or consented to by the parties. *Id.*

¶ 6 Illinois courts are courts of general jurisdiction and are presumed to have subject matter jurisdiction. However, this presumption does not apply to workers' compensation proceedings.

*University of Illinois Hospital v. Illinois Workers' Compensation Comm'n*, 2012 IL App (1st) 113130WC, ¶ 9. It is firmly established that only final determinations of the Commission are appealable. *International Paper Co. v. Industrial Comm'n*, 99 Ill. 2d 458, 465 (1984). A judgment is final if it determines the litigation on the merits, and it is not final if the order leaves disputed matters pending and undecided. *Supreme Catering*, 2012 IL App (1st) 111220WC, ¶ 8. In determining whether a decision of the Commission is final, the question to be decided is whether administrative involvement in the case has been terminated or the Commission has ordered further administrative proceedings. *International Paper Co.*, 99 Ill. 2d at 465-66.

¶ 7 In this case, the Commission reversed the arbitrator's finding that the claimant failed to prove that her injuries arose out of and in the course of her employment with Collinsville, and remanded the matter back to the arbitrator to address the remaining contested issues. Those unresolved issues include, for example, whether the claimant's condition of ill-being is causally related to her employment with Collinsville, whether the claimant is entitled to temporary total disability (TTD) benefits and medical expenses, as well as the nature and extent of the claimant's temporary disability. Accordingly, the decision issued by the Commission was not a final determination because it mandated further administrative proceedings and did not dispose of the claimant's request for TTD benefits under section 19(b) of the Act. See *Bechtel Group, Inc. v. Industrial Comm'n*, 305 Ill. App. 3d 769, 771 (1999) (in a section 19(b) proceeding, "there must be a TTD award for the decision to be appealable"); *Honda of Lisle v. Industrial Comm'n*, 269 Ill. App. 3d 412, 415-16 (1995) (the Commission's order, which vacated the arbitrator's award of TTD benefits and remanded the matter back to the arbitrator to accept new evidence on the issue of causal connection, was not a final determination).

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¶ 8 In the absence of a final determination by the Commission, the circuit court lacked the requisite subject matter jurisdiction to entertain this matter and, therefore, its order reversing the Commission's decision is void.

¶ 9 For the foregoing reasons, we vacate the judgment of the circuit court, and remand the cause to the Commission for further proceedings.

¶ 10 Vacated and remanded.