

2018 IL App (3d) 170859-WC

NO. 3-17-0859WC

Order filed October 19, 2018

**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  
THIRD DISTRICT  
WORKERS' COMPENSATION COMMISSION DIVISION

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MARGARET WEBB,	)	Appeal from the
	)	Circuit Court of
Petitioner-Appellee,	)	Will County.
	)	
v.	)	No. 17-MR-0921
	)	
ILLINOIS WORKERS' COMPENSATION	)	
COMMISSION and HARRAH'S ILLINOIS	)	
CORPORATION,	)	Honorable
	)	John C. Anderson,
Respondent-Appellants.	)	Judge, presiding.

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JUSTICE BARBERIS delivered the judgment of the court.  
Presiding Justice Holdridge and Justices Hoffman, Hudson and Cavanagh  
concurred in the judgment.

**ORDER**

¶ 1 *Held:* No appellate jurisdiction where the circuit court's order was not final after it reversed the Commission's decision to deny benefits and then remanded the cause to the Commission.

¶ 2 The appellant, Harrah's Illinois Corporation (Harrah's), appeals from an order of the circuit court of Will County, which reversed the decision of the Illinois Workers' Compensation Commission (Commission) finding that the claimant, Margaret Webb, had failed to prove an accident arising out of and in the course of her employment. As such, the Commission denied the claimant benefits pursuant to the Workers' Compensation Act (Act) (820 ILCS 305/1 *et seq.* (West 2006)). For the reasons that follow, we dismiss this appeal for want of jurisdiction.

¶ 3 On August 15, 2007, the claimant filed an application for adjustment of claim pursuant to the Act (820 ILCS 305/1 *et seq.* (West 2006)) seeking workers' compensation benefits for a low back injury following an accident on July 9, 2007, while working as a server at Harrah's. After a hearing on April 8, 2016, the arbitrator found that the claimant had not proven by a preponderance of the evidence that an accident arose out of and in the course of her employment. Thus, the arbitrator denied all benefits. The claimant sought timely review before the Commission. On March 3, 2017, the Commission returned a decision affirming and adopting the arbitrator's decision.

¶ 4 On March 31, 2017, the claimant filed for judicial review of the Commission's decision in the circuit court of Will County. On December 1, 2017, the court issued an order reversing the Commission's decision, finding that no accident arose out of and in the course of her employment with Harrah's. The court remanded the cause to the Commission for a determination of benefits under the Act. In response, Harrah's filed an appeal arguing that the circuit court erred in reversing the Commission's decision because the Commission's decision was not against the manifest weight of the evidence where it

denied benefits based on the claimant's failure to prove an accident arising out of and in the course of her employment.

¶ 5 We first address our jurisdiction. Although the “final judgment of the Circuit Court of Will County was entered on December 1, 2017,” as Harrah’s stated, we have an obligation to consider *sua sponte* whether jurisdiction is proper. *Williams v. Industrial Comm'n*, 336 Ill. App. 3d 513, 515 (2003). It is well-settled that when a circuit court reverses a decision of the Commission and then remands the matter for further proceedings involving the resolution of questions of law or fact, the order is interlocutory and not appealable. *Williams*, 336 Ill. App. 3d at 513; *A.O. Smith Corp. v. Industrial Comm'n*, 109 Ill. 2d 52, 54 (1985); *Stockton v. Industrial Comm'n*, 69 Ill. 2d 120, 124 (1977). However, if the Commission on remand only has to act in accordance with the circuit court’s directions by conducting proceedings on uncontroverted incidental matters or merely making mathematical calculations, then the order is final for purposes of appeal. *Edmonds v. Illinois Workers' Compensation Comm'n*, 2012 IL App (5th) 110118WC, ¶ 19. We do not find that to be the situation in this case.

¶ 6 Here, the circuit court reversed the Commission's decision to deny benefits where the Commission found that the claimant failed to prove an accident that arose out of and in the course of her employment. The court then remanded the matter "to the Commission for further proceedings consistent with this order." As such, the Commission was tasked with determining the extent amount of reasonable and necessary medical expenses, and whether the claimant was entitled to other benefits as a result of the claimant's low back injury following the July 9, 2007, accident. Consequently, the Commission was required

to resolve factual questions necessary to appropriately address incidental matters, not just merely make mathematical calculations.

¶ 7 Because the circuit court's judgment does not fully and finally dispose of the rights of the parties but remands the cause to the Commission for further resolution of questions of law and fact, the court's December 1, 2017, order was not final and appealable. In the interest of clarity, however, we point out that the Commission's subsequent decision following the circuit court's remand would be reviewable by the circuit court. As such, if affirmed, the court's decision would be a final and appealable order before this court. See *Pace Bus Company v. Industrial Comm'n*, 337 Ill. App. 3d 1066, 1069 (2003). In reviewing the final order of the circuit court, this court is authorized to review the entire record and determine the propriety of the circuit court's order reversing the Commission's original decision and remanding the matter for further proceedings. *Pace Bus Co*, 337 Ill. App. 3d at 1069.

¶ 8 Accordingly, the appeal is dismissed for want of jurisdiction and remanded to the Commission for further proceedings.

¶ 9 Appeal dismissed and cause remanded.