

Order filed: June 13, 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 by Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIFTH DISTRICT
WORKERS' COMPENSATION COMMISSION DIVISION

AGENCY FOR COMMUNITY TRANSIT,)	Appeal from the
)	Circuit Court of
Appellant,)	St. Clair County.
)	
v.)	Nos. 15-MR-421,
)	15-MR-428
THE ILLINOIS WORKERS' COMPENSATION)	
COMMISSION <i>et al.</i> (Cerro Copper and)	Honorable
Eddie Andrews, Appellees).)	Robert P. LeChien,
)	Judge, presiding.

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

ORDER

- ¶ 1 *Held:* Appellate court lacked jurisdiction to review cause where circuit court's order not final and appealable.
- ¶ 2 The respondent, Agency for Community Transit (ACT), appeals the circuit court's order, reversing the Illinois Workers' Compensation Commission's (Commission) decision, finding that the Commission's decision was against the manifest weight of the

evidence where it found that the claimant, Eddie Andrews, had failed to prove a repetitive trauma injury that arose out of and in the course of his employment, and that his condition of ill-being was not causally related to his employment with ACT.

¶ 3

I. Background

¶ 4 We initially address the claimant's filing of an application for adjustment of claim on November 15, 2007, alleging a repetitive trauma injury to his bilateral hands and upper extremities on August 3, 2007, against Cerro Copper (Cerro). During the claimant's last two years of employment with Cerro, he operated an ANM machine, which required him to repetitively twist and turn his wrists, as well as hammer and lift heavy objects. The claimant indicated that his hands and wrists ached during and after he worked on the ANM machine. The claimant was laid off in August 2007.

¶ 5 On July 25, 2013, the claimant filed an application for adjustment of claim against ACT, alleging a repetitive trauma injury to his hands, wrists, and elbows on June 14, 2013, while working as a bus driver.

¶ 6 On September 29, 2014, the arbitrator found that the claimant had sustained an injury which arose out of his employment, and that his bilateral carpal and bilateral cubital tunnel syndromes were causally related to his employment with ACT. The arbitrator awarded temporary total disability (TTD) benefits, permanent partial disability (PPD) benefits for a percentage of 8.5% loss of use of his right hand, PPD benefits for a percentage of 6.5% loss of use of his left hand and medical benefits.

¶ 7 Subsequently, ACT filed a petition for review of the arbitrator's decision to the Commission. On October 22, 2015, the Commission reversed the arbitrator's decision

and found that the claimant had failed to prove (1) a repetitive trauma injury that arose out of and in the course of his employment and (2) that his condition of ill-being was causally related to his employment with ACT. The claimant subsequently sought judicial review of the Commission's decision. Shortly thereafter, the circuit court reversed the Commission finding that the Commission's order was against the manifest weight of the evidence. ACT filed a timely notice of appeal.

¶ 8

II. Analysis

¶ 9 Before addressing the issues raised by ACT, we must address the question of our own jurisdiction to review this case. Although neither party raises a jurisdictional issue, we have a duty to consider our jurisdiction and to dismiss the appeal if jurisdiction is lacking. *Wood Dale Electric v. Illinois Workers' Compensation Comm'n*, 2013 IL App (1st) 113394WC, ¶ 8. Although circuit courts are courts of general jurisdiction and enjoy a presumption of subject matter jurisdiction, that presumption does not apply in workers' compensation proceedings where the court exercises special statutory jurisdiction. *Hartlein v. Illinois Power Co.*, 151 Ill. 2d 142, 158 (1992). It is well settled that only final determinations of the Commission are reviewable. *Kendall County Public Defender's Office v. Industrial Comm'n*, 304 Ill. App. 3d 271, 273 (1999). Where a party attempts to appeal an interlocutory or nonfinal order to this court, we are without jurisdiction to consider the appeal. *Kendall County Public Defender's Office*, 304 Ill. App. 3d at 273.

¶ 10 Here, we hold that the circuit court's order was not final and we therefore lack jurisdiction. The court reversed the Commission's decision, although a remand to the Commission should have also occurred. Based on the court's failure to do so, this cause

must be remanded to the court with directions to remand the matter to the Commission to review the propriety of the TTD and PPD awards. Thus, ACT's appeal is dismissed for a lack of appellate jurisdiction.

¶ 11

III. Conclusion

¶ 12 For the foregoing reasons, this court lacks jurisdiction to entertain ACT's appeal.

¶ 13 Appeal dismissed; cause remanded with directions.