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PRACTICE AREAS

Workers Compensation

Personal Injury

Motor Vehicle Accidents

Wrongful Death

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Illinois Supreme Court Issues Important Workers' Compensation Decision

On January 22, 2010, the Illinois Supreme Court handed down an important decision in the [Workers' Compensation](#) arena.

At issue in [Interstate Scaffolding Inc. v. the Illinois Workers' Compensation Commission, et al](#) was whether the employer must continue to pay Total Temporary Disability (TTD) benefits resulting from a work-related injury, when a worker is terminated, regardless of the reason for the termination.

The court held that the employer was indeed required to continue to pay benefits:

We hold that an employer's obligation to pay TTD benefits to an injured employee does not cease because the employee had been discharged — whether or not the discharge was for "cause." When an injured employee has been discharged by his employer, the determinative inquiry for deciding entitlement to TTD benefits remains, as always, whether the claimant's condition has stabilized. If the injured employee is able to show that he continues to be temporarily totally disabled as a result of his work-related injury, the employee is entitled to TTD benefits.

The court further concluded that an employer is required to make payments until the worker either reaches maximum recovery or is otherwise made whole.

This is an important ruling for Illinois workers, since it discourages employers from engaging in retaliatory job termination when an injured worker is unable to return to work at full capacity following



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an on-the-job-injury. In other words, this decision ensures that injured workers will not be fired by an employer in an effort to end the employer's obligation to pay TTD benefits to the injured worker.

Because of this important ruling, workers who are recovering from workplace injuries can rest assured that they will receive the TTD benefits to which they are entitled.