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Protecting the Rights of Injured Workers

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Illinois Workers' Compensation Commission Ruling Reviewed by Court



Help at Home v. The Illinois Workers' Compensation Commission, No. 4-09-0977 WC, is a case in which the appellant challenged the Circuit Court of Morgan County's decision in regard to the [Illinois Workers' Compensation Commission's](#) (the Commission) determination in this case.

The workers' compensation claimant alleged that she was injured while employed by Help at Home, sustaining injuries to her lower back and right shoulder. At issue on appeal was whether the original arbitrator, who concluded that the claimant's injuries were caused by work-related activities, could re-consider additional evidence in that regard.

When reviewing the arbitrator's decision, at the request of the employer, Help at Home, the Commission disagreed that a causal connection existed and remanded the case for further consideration of additional evidence regarding whether a causal connection existed. The Circuit Court of Morgan County affirmed the Commission's decision.

On appeal to the Appellate Court of Illinois, Fourth District, the appellant and employer, Help at Home, asserted that "the circuit court erred, as a matter of law, in confirming that part of the Commission's decision which provides that, on remand, the arbitrator may consider additional evidence relating to a causal connection between the claimant's work accident of December 14, 2007, and her right-shoulder injury."

The Court agreed, holding that because the claimant failed to seek judicial review of arbitrator's decision that a causal connection existed, that determination "became the law of the case, and (she was) barred from raising the issue of a causal connection between her right shoulder injury and the accident on December 14, 2007, during any further proceedings on remand."

Thus, unfortunately for the claimant, the Commission's conclusion that she failed to prove a causal connection between her injuries and the accident at work was upheld as "the law of the case" and could not be re-visited.

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By [admin](#)
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