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Jurisdiction of the Illinois Workers' Compensation Commission

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Jurisdiction is the right of a government body to hear and enter decisions in a case. The question of "jurisdiction" is usually only an issue for individuals who work outside of the State of Illinois, but whose work either began in Illinois or that frequently occurs in Illinois. What is surprising to many injured workers is that just because they got hurt working outside of Illinois, they may still be able to file a claim, be heard, and obtain compensation from the Illinois Workers' Compensation Commission if they can prove the Commission has jurisdiction to hear the case. In this regard, in order for an injured worker to obtain compensation from the Illinois Workers Compensation Commission, the Commission must have jurisdiction over the case. [§1\(b\)\(2\) of the Act](#) gives the Illinois Workers' Compensation Commission jurisdiction over claims of "[e]very person in the service of another under any contract of hire, express or implied, oral or written, including persons whose employment is outside of the State of Illinois where the contract of hire is made within the State of Illinois, persons whose employment results in fatal or non-fatal injuries within the State of Illinois where the contract for hire is made outside the State of Illinois, and persons whose employment is principally localized within the State of Illinois, regardless of the place of accident or the place where the contract for hire was made." [820 ILCS 305/1\(b\)\(2\)](#). See also [Cowger v. Industrial Commission](#), 313 Ill.App.3d 364, 728 N.E.2d 789, 793, 245 Ill.Dec. 707 (5th Dist. 2000).

This means that the Illinois Workers' Compensation Commission generally has jurisdiction over a claim when:

1. The contract for hire was made in Illinois; or
2. The accident occurred in Illinois; or
3. The claimant's employment was principally located in Illinois. See [Mahoney v. Industrial Comm'n](#), 843 N.E.2d 317 (2006).

In most cases, the most important element in establishing jurisdiction is where the location of the contract for hire was created. However, court decisions have allowed for compensation based on a “substantial state interest” theory. [See Chambers v. Industrial Commission of Illinois](#), 139 Ill.App.3d 550, 487 N.E.2d 1142, 1145, 94 Ill.Dec. 265 (1st Dist. 1985).

If you have been injured in an accident outside of Illinois, but think you might have a claim that could be heard by the Illinois Workers' Compensation Commission, you should contact a knowledgeable attorney for more information.

If you, or a loved one, has been injured at work, then you need information about your rights. At [Shunneson Law Office](#), I am devoted to demanding an insurance company cover your injuries following accidents. Call (847) 693-9120 for more information or [contact us](#) to schedule a consultation. Located in Lake County, Illinois, with meeting locations throughout Chicago, we have the ability to meet with you at any convenient Chicagoland location from 9:00 a.m. to 5:00 p.m., Monday – Friday. However, evening and weekend appointments are available upon request by calling 847.693.9120.

-Drake Shunneson (copyright 2012)

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[FreeDigitalPhotos.net](#) While the author has utilized his experience and knowledge of workers compensation law in writing this article, as well as many articles, books, statutes, regulatory rules, treatises, and internet sources, some of the ideas and material for this article were obtained from the [Illinois Institute for Continuing Legal Education's](#) Illinois Workers' Compensation Practice Guide (2011), which deserves special recognition.