2013 IL App (3d) 120311WC-U

Order filed February 14, 2013

IN THE

APPELLATE COURT OF ILLINOIS

THIRD DISTRICT

WORKERS' COMPENSATION COMMISSION DIVISION

EUGENE DOMRZALSKI,	)	Appeal from the Circuit Court
	)	of the 12th Judicial Circuit,
Appellant,	)	Will County, Illinois,
	)	
v.	)	Appeal No. 3-12-0311WC
	)	Circuit No. 11-MR-957
	)	
THE ILLINOIS WORKERS' COMPENSATION	)	Honorable
COMMISSION *et al*. (Brock Services, Ltd.,	)	Barbara Petrungaro,
Appellee).	)	Judge, Presiding.

PRESIDING JUSTICE HOLDRIDGE delivered the judgment of the court.
Justices Hoffman, Hudson, Harris, and Stewart concurred in the judgment.

ORDER

¶ 1 *Held*: The Commission's finding that the claimant did not prove an accidental injury arising out of and in the course of his employment was not contrary to law or against the manifest weight of the evidence.

¶ 2 The claimant, Eugene Domrzalski, filed an application for adjustment of claim under the Workers' Compensation Act (the Act) (820 ILCS 305/1 *et seq.* (West 2010)) seeking benefits for an injury to his lower back which he allegedly sustained while working for the respondent, Brock

Services, Ltd. (employer). After conducting a hearing, an arbitrator found that the claimant had failed to establish an accident arising out and in the course of his employment. The arbitrator also found that the claimant had failed to establish that his current condition of ill-being was causally related to any alleged work-related injury. Accordingly, the arbitrator denied benefits.

¶ 3 The claimant appealed the arbitrator's decision to the Illinois Workers' Compensation Commission (the Commission). Although the Commission rejected some of the factual findings made by the arbitrator, the Commission unanimously affirmed the arbitrator's finding of no accident and his denial of benefits. The Commission dismissed as moot the remaining issues raised by the claimant.

¶ 4 The claimant sought judicial review of the Commission's decision in the circuit court of Will County, which confirmed the Commission's decision. This appeal followed.

¶ 5 FACTS

¶ 6 The employer is a company that manufactures plastic and transports it to various vendors in railroad cars. The claimant worked for the employer as a railroad yard worker. Together with his coworkers, the claimant would transport the railroad cars around a rail yard.

¶ 7 On March 4, 2010, the claimant received a call directing him to pick up two railroad cars from the polypropylene building. The claimant informed his coworker, Roy Roderick, of the assignment, and the two men proceeded to the polypropylene building via a "shuttle wagon." The claimant described the "shuttle wagon" as a small version of a diesel engine which was used to move railcars around the rail yard. It had the same configuration as a conventional American automobile in that the brakes and steering wheel were on the left side. Roderick was driving the shuttle wagon, and the claimant was acting as the "bottoms guy." A "bottoms guy" hooks railcars

to the shuttle wagon and acts as the driver's "eyes" by watching for obstacles appearing on the driver's blind side (*i.e.*, on the right side of the shuttle wagon) and by communicating instructions to the driver by radio.

¶ 8 When the claimant and Roderick arrived at the polypropylene building, they hooked the shuttle wagon to the two railroad cars and backed the cars out of the yard. The shuttle car then began pushing the two cars toward the loading building, which was a distance of several city blocks from the polypropylene building. The claimant was riding on one of the rail cars on Roderick's blind side.

¶ 9 As they approached the junction point where all of the tracks intersected with the rail yard, the claimant noticed that there was a stray railcar sitting on the track ahead of them, blocking their path. The claimant testified that, after the train stopped, he jumped off of the train, coupled the third car to the train, jumped onto the right, or "blind," side of that car (which was now the lead car), and radioed Roderick to tell him it was safe to proceed. Roderick then began driving toward the loading building, which was approximately one half mile away at the time. The claimant estimated Roderick's speed at about 5 to 10 miles per hour.

¶ 10 As they got close to the loading building, the claimant began a countdown via walkie-talkie to Roderick so Roderick would know when to slow down and when he was getting close to the derailer.[1] As the "bottoms guy," it was the claimant's job to count down the approach to the derailer because Roderick was not able to see the derailer from where he was standing.[2] The

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[1] The derailer is a device that protects runaway railroad cars from colliding with the loading building by derailing them from the railroad tracks.

[2] The claimant's testimony suggests that the claimant could only perform this function

claimant began counting down from the number five. When he reached the number two in his countdown, the lead car uncoupled from the second car. The claimant radioed to Roderick that the railcar had become uncoupled and was about to derail.

¶ 11 The claimant testified that he jumped off the lead car which went over the derailer and derailed. He claimed that he landed on a "bunch of gravel" which he described as "rocky" and "boulderlike." He landed "hard" and "almost fell," but, after shuffling around a bit, he was able to maintain his balance. The claimant estimated that he jumped a distance of three to four feet. He claimed that, when he landed on the gravel, he "felt a shot go through [his] body." He likened the impact to a "car hitting a speed bump."

¶ 12 After the claimant jumped, he was still communicating with Roderick via radio. Roderick brought the shuttle wagon to a stop and then got off. The claimant was “pacing” because he was “all hyped up” due to the incident.

¶ 13 Roderick, who testified for the employer, gave an account of the March 4, 2010, incident that differed from the claimant's account in certain respects. Roderick agreed that the claimant was on his blind side that day, directing Roderick's movements via radio. However, Roderick testified that he stopped the train after they hooked up the third car in order to let the claimant get off the train. According to Roderick, the claimant radioed him to say he was "on foot" when they were coupling the third car to the train. After the coupling, Roderick started moving the train again at a rate of about one mile per hour and built up speed to four miles per hour, which was as fast as the train could go.

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while riding on one of the railcars. He testified that it would not have been practical for him to walk alongside the three cars because he would not have been able to see the derailer in the yard.

¶ 14 Roderick initially testified that the claimant was already on the ground at the time the third railroad car became uncoupled and when it derailed and that the claimant never jumped off of the railcar. However, during cross-examination, Roderick acknowledged that he could not see where the claimant was when the third car uncoupled and that he could only go by what the claimant told him over the radio. Roderick conceded that it would have been easy for the claimant to hop back on the train while it was moving (after the third car was coupled), but he testified that it was against the employer's rules to jump on a moving train. According to Roderick, anyone who broke this rule was subject to automatic termination.

¶ 15 Roderick testified that, after the derailment, the claimant was bent over and "breathing hard." Roderick claimed that he asked the claimant if he was okay and the claimant told him he was fine. According to Roderick, the claimant did not indicate that he had jumped off the car. Roderick and the claimant then walked about 75 to 100 feet to the smoke shack. Roderick testified that the claimant did not appear to be in pain and was not limping or holding his back at that time.

¶ 16 When they reached the smoke shack, Roderick and the claimant informed their supervisor, Lance Lewis, of the derailment. According to Roderick, Lewis asked the claimant if he was okay, and the claimant said he was fine but short of breath because he had been running in an effort to catch up with the car. At the employer's direction, Roderick prepared and signed an incident report on March 24, 2010. In his written incident report, Roderick stated that, immediately after the derailment, he heard the claimant explain to Lance Lewis that "after [the claimant] hooked up to the car, he was walking by it as [Roderick] was pushing it up and how the car came uncoupled and he tried to chase it down but couldn't get to the hand brake in time

before it ran over the derailer and derailed." Roderick testified he was alone when he prepared the incident report and he denied that anyone influenced what he wrote.

¶ 17 After the claimant informed Lewis of the derailment, the claimant and Lewis immediately reported the matter to Shannon Jarrod Hager, the employer's regional safety manager. Hager recalled discussing the derailment with the claimant and Lewis in the safety office on March 4, 2010. Hager testified that he asked the claimant and Lewis whether anyone had been hurt or any property had been damaged due to the derailment and that both men responded "no."[3] According to Hager, the claimant did not report back pain and did not appear to be in pain.

¶ 18 At Hager's direction, the claimant completed a written incident report. The claimant's report did not indicate that he had jumped from a railcar or sustained any injury. Hager also signed a written incident report. Hager's report did not indicate that the claimant reported jumping off of a railcar. Hager's report indicated that the claimant did not sustain an injury.

¶ 19 After reporting the incident to Hager, the claimant was given a drug and alcohol screening test pursuant to company policy. After undergoing the test, the claimant returned to work for a short period of time and performed light duty work. The claimant testified that he performed light duty work because he was experiencing low back pain.

¶ 20 Later that day, Hager learned that the preliminary results of the claimant's drug screening test indicated that there was "something wrong." Pursuant to company procedure, the claimant was required to leave the plant at that point until the final results of the screening came in, which

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[3] The claimant denied that Hager asked him whether he had been injured. He claimed that Hager was only interested in learning the cause of the derailment.

usually took approximately two days. The final test results were positive for cocaine, and the claimant was terminated pursuant to company policy. This positive result was later confirmed when the claimant paid to have the test run again.

¶ 21 The claimant acknowledged having lower back problems prior to March 4, 2010. His back problems began in 1994, when he strained his back at work and subsequently sought chiropractic care. In April and May of 2008, the claimant began treatment with Dr. Shahid Masood, a general practitioner, complaining of pain in his back and right leg. Dr. Masood noted that the claimant had previously undergone an MRI, an EMG, and epidural injections, and he had started taking Morphine. A MRI of the claimant's lumbar spine taken in May 2008 showed a herniation at L4-L5. Surgery was recommended, but the claimant was unable to afford it. The claimant underwent a second lumbar spine MRI on December 14, 2008, which demonstrated a mild bulge at L4-L5, disc dehydration at L5-S, and a very small focal tear in the left posterior margin of the disc without significant protrusion or stenosis. The claimant testified he was briefly hospitalized and treated for back pain during this period. He continued to suffer from chronic back pain and numbness and pain in his right leg. In April 2009, Dr. Masood referred the claimant to Dr. Joseph Giacchaimo, a pain specialist, who prescribed Fentanyl and Percocet to control the pain. On February 4, 2010, the claimant reported a pain level of 8 out of 10 “even with meds at work.” On March 1, 2010, three days before his claimed work accident, the claimant reported a pain level of 3 out of 10.

¶ 22 The claimant testified that he felt lower back pain after the accident but "really didn't think [anything] of it." After he arrived home on the day of the accident, the claimant rested and watched television. When he woke up, he was "really sore" and felt "unusual" back pain. He

soaked in the tub and took prescription pain medication he already had on hand. By the end of that day, he was experiencing numbness in the top of his left foot and "real sharp pains" down his left leg. The claimant testified that he did not think that he had sustained any type of significant injury during the March 4, 2010, work accident until he woke up the next day. He stated that, if anyone had asked him on the day of the accident whether he was injured, he would have said "no."

¶ 23 Over the next several days, the claimant's pain continued to worsen, progressing to a level of 10 out of 10. However, he did not seek treatment right away because he already had pain medication for his back problems, and he assumed that the doctors would only tell him to continue taking his medication or give him new medications. He thought that he might have jarred what was already injured.

¶ 24 The claimant finally returned to Dr. Masood on March 11, 2010, after he had been terminated. He testified that, by that time, his pain was more severe than it had been before the accident and was not controlled by pain medication as it had been in the past. The claimant obtained a referral to see Dr. Giacchaimo again, who prescribed physical therapy.

¶ 25 In April 2010, the claimant began treating with Dr. Anthony Rivera, a board certified physiatrist. Dr. Rivera prescribed another lumbar MRI. The radiologist noted a left protrusion of the L4-L5 disc and bulging of the L5-S1 disc and described these abnormalities as "more pronounced" than on the claimant's previous lumbar spine MRI of December 15, 2008. During an evidence deposition, Dr. Rivera testified that the changes revealed in the April 6, 2010, MRI could have been caused or aggravated by a jump off of a railroad car approximately 30 days before the April 2010 MRI was taken. Dr. Rivera also stated that he had reviewed the finding's

noted by the claimant's physical therapist 11 days after the March 4, 2010, incident, which noted severe symptoms and a range of motion that was more limited than the range of motion that the claimant exhibited two months later. Dr. Rivera opined that this suggested that the claimant had suffered an acute event. Dr. Rivera also testified that his examination showed that the claimant was consistent and truthful in reporting his symptoms. During cross-examination, Dr. Rivera acknowledged he had no information concerning the height from which the claimant jumped or the speed of the rail car at the time of the jump. He also conceded he saw only the April 2010 MRI report and not the actual film.

¶ 26 At the employer's request, the claimant was evaluated by Dr. Edward Goldberg, the employer's Section 12 examiner. Dr. Goldberg diagnosed a left herniated nucleus pulposus at L4-L5 causing low back and left radicular pain. He concluded that the claimant was only capable of performing sedentary work. In his "quick report" of August 6, 2010, Dr. Goldberg indicated he was unable to determine whether the claimant's diagnosis and treatment stemmed from the claimed work accident. In his formal report of the same date, Dr. Goldberg noted that he was unable to comment on whether there was a work-related accident due to an apparent discrepancy between the claimant's claim that he jumped from the train prior to derailment and Roderick's conflicting account of the incident. However, Dr. Goldberg indicated that, if the claimant had indeed jumped from a moving rail car, "then it appears that the herniation is due to this accident." Dr. Goldberg noted that the claimant denied having any left-sided complaints prior to the March 4, 2010, work incident and that the claimant's pre-incident records showed his pain was "always in the right leg." He also indicated that the "new MRI" he reviewed showed a herniation "to the

left at L4-L5, whereas no other [available] MRI reports discuss a herniation to the left" at this level.

¶ 27 Dr. Goldberg supplemented his report on August 25, 2010, after he had reviewed the December 2008 MRI film and re-reviewed the April 2010 MRI film. In his supplemental opinion, Dr. Goldberg noted that the 2008 MRI showed a "small protrusion" to the left at L4-L5 while the herniation "appeared to be larger" on the 2010 MRI. Based on this comparison, he concluded that the March 4, 2010, "accident" "aggravated the small herniation at L4-L5," by making it larger and rendering it increasingly symptomatic.

¶ 28 During the arbitration hearing, the claimant testified that he continued to have back and left leg pain. Dr. Rivera referred the claimant to a neurosurgeon, Dr. Thomas Hurley, who recommended surgery. The claimant has not worked since the March 4, 2010, work incident, and his doctors are keeping him off work.

¶ 29 The arbitrator concluded that the claimant failed to prove that he sustained an accidental injury arising out of and in the course of his employment. In support of this conclusion, the arbitrator cited Roderick's account of the incident. The arbitrator described Roderick as testifying that the claimant "was on the ground at the time the third railroad car became uncoupled and when it derailed" and that he "never jumped off of the rail car." The arbitrator also described Dr. Goldberg as confirming that the claimant "clearly had preexisting complaints of pain on the left side of his low back" prior to March 4, 2010. In addition, the arbitrator took "special notation of the fact that Claimant was found to be intoxicated on cocaine at the time of the alleged occurrence."

¶ 30 The claimant appealed the arbitrator's decision to the Commission. Although the Commission disagreed with some of the arbitrator's findings of fact,[4] it agreed with the arbitrator's conclusion that the claimant had failed to prove a work-related accident.

¶ 31 The Commission denied that a compensable accident occurred "based primarily on the sequence of events." The Commission noted that the claimant did not tell Roderick or Hager that he suffered an injury when he jumped from a rail car and that he did not describe any such incident in his incident report. The Commission also found that the claimant had "failed to rebut Roderick's testimony that Claimant attributed his post-accident shortness of breath to running alongside the rail car." The Commission also noted that, although the claimant "described a fairly quick onset of new and disturbing symptoms" after the March 4, 2010, incident, he sought no treatment until days later, after being terminated by the employer. The Commission also relied on Hager's testimony that he twice asked the claimant on March 4, 2010, whether the claimant had been injured and the claimant answered "no" both times. The Commission noted

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[4] Specifically, the Commission disagreed with the arbitrator's characterization of Roderick's testimony, noting that Roderick admitted on cross-examination that he could not see the claimant prior to the derailment and did not know the claimant's exact location at that time. The Commission also noted that, although Dr. Goldberg acknowledged that the claimant's pre-accident lumbar spine MRI showed left-sided pathology, Dr. Goldberg clearly stated that the claimant's pre-accident records mentioned only *right-sided* complaints. Moreover, the Commission noted that "[w]hile the screening performed on March 4, 2010, demonstrated the presence of cocaine, there is absolutely no evidence in the record suggesting Claimant was intoxicated at the time of the derailment."

that Hager's testimony on this point was supported by the "Supervisor's Incident Report." The Commission found it significant that Hager signed that report on March 5, 2010, five days before learning that the claimant intended to see a doctor and a full week before the claimant retained counsel and signed his "Application for Adjustment of Claim." Having found that the claimant failed to prove a compensable accident, the Commission viewed all remaining issues as moot.

¶ 32 The claimant sought judicial review of the Commission's decision in the circuit court of Will County, which confirmed the Commission's ruling. The circuit court noted that the Commission "clearly found that Hager and Roderick were more credible than the [claimant]," and ruled that "the Commission was within its rights to evaluate the credibility of the testimony [as to the mechanism of injury] and to determine, in light of the conflicting testimony, that the [claimant] had not met his burden of proof to establish that he suffered a compensable accident." The circuit court found that there was sufficient evidence to support the Commission's findings. This appeal followed.

¶ 33 ANALYSIS

¶ 34 The claimant argues that the Commission's conclusion that he failed to prove an accidental injury arising out of his employment was contrary to law and against the manifest weight of the evidence. We disagree.

¶ 35 The claimant in a worker's compensation proceeding has the burden of establishing, by a preponderance of the evidence, that his injury arose out of and in the course of his employment. *O'Dette v. Industrial Comm'n*, 79 Ill. 2d 249, 253 (1980); *Shafer v. Illinois Workers' Compensation Comm'n*, 2011 IL App (4th) 100505WC, ¶ 35. Whether a claimant suffered a work-related, accidental injury is a question of fact for the Commission. *Shafer*, 2011 IL App

(4th) 100505WC, ¶ 35. It is the function of the Commission to decide questions of fact, judge the credibility of witnesses, determine the weight that their testimony is to be given, and resolve conflicts in the evidence. *Sisbro, Inc. v. Industrial Comm'n*, 207 Ill.2d 193, 206 (2003); *O'Dette*, 79 Ill. 2d at 253. The Commission's determination on a question of fact will not be disturbed on review unless it is against the manifest weight of the evidence. *Edward Don Co. v. Industrial Comm'n*, 344 Ill. App. 3d 643, 654 (2003). For a finding of fact to be contrary to the manifest weight of the evidence, the opposite conclusion must be clearly apparent. *Caterpillar, Inc. v. Industrial Comm'n*, 228 Ill. App. 3d 288, 291 (1992). The test is whether the evidence is sufficient to support the Commission's finding, not whether this court or any other tribunal might reach an opposite conclusion. *Pietrzak v. Industrial Comm'n*, 329 Ill. App. 3d at 828, 833 (2002).

¶ 36 Applying these standards, we cannot conclude that the Commission's finding that claimant failed to establish an accidental injury arising out of and in the course of his employment was against the manifest weight of the evidence. Hager testified that, when the claimant reported the derailment to him shortly after it occurred, Hager asked the claimant twice whether he was injured, and claimant twice said "no." Similarly, Roderick testified that when he asked the claimant if he was okay immediately after the derailment, the claimant said he was fine. Moreover, Roderick testified that the claimant did not indicate that he had jumped off the car and that the claimant walked about 75 to 100 feet to the smoke shack without limping, holding his back, or showing any signs of being in pain. Roderick also testified that the claimant was out of breath immediately after the derailment, and that he heard the claimant tell Lewis that he was winded at that time because he had been chasing after the railcar on foot. In addition,

neither the claimant's report of the incident nor the supervisor's incident report (which Hager signed before he knew that the claimant would be filing a workers' compensation claim) mentions that the claimant jumped from the train or that he was injured during the incident.

¶ 37 The claimant denies that Hager or Roderick asked him whether he was injured. However, it was within the Commission's province to weigh the credibility of the witnesses, and we cannot say that the Commission's decision to credit Hager's and Roderick's testimony on this matter over the claimant's testimony was against the manifest weight of the evidence.

¶ 38 The claimant also argues that the Commission should not have drawn an adverse inference from his failure to mention an injury in his incident report or during his conversation with Hager. The claimant contends that the purpose of the incident reports and his post-accident conversation with Hager was to determine the cause of the derailment, not to determine whether the claimant had suffered any injury. Thus, the claimant argues, it would have been neither necessary nor appropriate for him to mention any injuries at that time. Moreover, the claimant maintains that he did not report a work-related injury on the day of the accident because he did not know that he had suffered a work-related injury until he began experiencing new and "unusual" left-sided back and leg pain the day after the accident.

¶ 39 We disagree. First, contrary to the claimant's suggestion, the incident reports were not limited to detailing the causes of the derailment without regard to any injuries suffered by the claimant. The report signed by Hager contained sections requiring the preparer of the form to indicate the type of injury suffered and the part of the body injured. In the report that Hager signed after discussing the incident with the claimant, these sections were stamped "N/A." This

supports Hager's testimony that he asked the claimant whether he was injured and the claimant responded that he was not.

¶ 40 Moreover, the claimant's assertion that he did not know he was injured until the day after the March 4, 2010, incident is contradicted by his own testimony. The claimant testified that, when he jumped off of the railcar and landed on the gravel, he "felt a shot go through [his] body." He likened the impact to a "car hitting a speed bump." He also testified that, after the derailment, he performed light duty work for a few hours because he was experiencing low back pain. If the claimant felt these pain symptoms during and immediately after the work accident, as he claimed, he would have known that he suffered some type of work-related injury. At a minimum, he should have suspected that he had aggravated his preexisting back injury when he jumped off the railcar.[5] It seems highly unlikely that, after experiencing these symptoms, the claimant would have failed to mention the possibility that he had suffered a work-related injury, particularly when his supervisors directly asked him that very question. Thus, the Commission's finding that the claimant's testimony lacked credibility in light of the incident reports and Hager's and Roderick's testimony was not against the manifest weight of the evidence.

¶ 41 The claimant argues that the Commission erred as a matter of law by failing to consider the medical opinions of Drs. Rivera and Goldberg when determining whether he had proven a work-related accident. He contends that the Commission erroneously assumed that this evidence was relevant solely to the issue of causation and improperly ignored the evidence after concluding that its finding of no accident rendered the question of causation moot. The claimant

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[5] The fact that new, left-sided pain symptoms did not appear until the next day does not alter this fact.

maintains that the medical evidence strongly corroborates his account of the accident and that, when all of the evidence is considered, it is clearly apparent that the claimant proved a work-related accident.

¶ 42 We disagree. Contrary to the claimant's assertion, the Commission expressly noted that it had "reviewed the entire record," and its written decision thoroughly summarized all of the evidence, including the medical opinion evidence. Thus, the claimant's assertion that the Commission ignored the medical opinion evidence is not supported by the record.

¶ 43 Moreover, in determining whether a compensable accident occurred, the Commission could have reasonably assigned greater weight to Roderick's and Hager's testimony and less weight to the medical opinion evidence. Drs. Rivera and Goldberg were not occurrence witnesses. Thus, they could not possibly confirm whether the accident actually happened in the manner alleged by the claimant. They could merely opine on whether the medical evidence was consistent with the mechanics of injury alleged by the claimant (*i.e.*, whether the accident alleged by the claimant could have caused his current condition of ill-being). Dr. Goldberg acknowledged this in his August 6, 2010, formal report. In that report, Dr. Goldberg stated that he was unable to comment on whether a work-related accident had occurred due to the discrepancy between the claimant's account of the incident and Roderick's. The most Dr. Goldberg could say at that time was that, *if* the claimant had indeed jumped from a moving rail car, "then it appears that the herniation is due to this accident." In his supplemental report, Dr. Goldberg appeared to abandon this sound measure of restraint by asserting that the March 4, 2010, "accident" "aggravated the small herniation at L4-L5" by making it larger and rendering it increasingly symptomatic. However, Dr. Goldberg based this conclusion entirely on a

comparison between the December 2008 and the April 2010 MRI films, which showed that the preexisting, left-sided herniation at L4-L5 "appeared to be larger" on the later MRI. The fact that the herniation became larger in the 16 months that passed after the first MRI does not prove that the accident occurred as the claimant alleged. Moreover, although Dr. Rivera's testimony suggests that the claimant suffered an acute traumatic injury around the time of the March 4, 2010, work incident, the Commission did not err by placing greater weight upon the incident reports prepared immediately after the incident and Hager's and Roderick's testimony, all of which confirmed that the claimant did not mention either jumping from the train or suffering any injury.

¶ 44 Concededly, there is some evidence indirectly supporting the claimant's claim of a work-related accident, including medical opinion testimony suggesting that the claimant's injuries were caused by a trauma around the time of the March 4, 2010, work incident, and the claimant's testimony that he suffered new and increasingly debilitating symptoms after that incident (including left-sided back and leg pain). However, as discussed above, there is also ample evidence supporting the Commission's finding of no accident. We will not substitute our judgment for the Commission's, reject permissible inferences reached by the Commission, or second-guess the Commission's credibility determinations. Because there is sufficient evidence supporting the Commission's finding that the claimant failed to prove a work-related accident, we affirm the Commission's decision.

¶ 45 CONCLUSION

¶ 46 For the foregoing reasons, we affirm the judgment of the Will County circuit court, which confirmed the Commission's decision.

¶ 47 Affirmed.