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2016 IL App (1st) 143665WC-U

FILED: February 11, 2016

NO. 1-14-3665WC

IN THE APPELLATE COURT

OF ILLINOIS

FIRST DISTRICT

WORKERS' COMPENSATION COMMISSION DIVISION

LATASHA STEELE,)	Appeal from
)	Circuit Court of
Appellant,)	Cook County
)	No. 14L50140
v.)	
THE ILLINOIS WORKERS' COMPENSATION)	
COMMISSION <i>et al.</i> (Binny's Beverage Depot,)	
Appellees).)	Honorable
)	James M. McGing,
)	Judge Presiding.

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

ORDER

- ¶ 1 *Held:* (1) The Commission's finding that claimant's motor vehicle accident was an intervening event that broke the chain of causation between her work-related injury and her current condition of ill-being in her low back was against the manifest weight of the evidence.
- (2) The Commission's termination of TTD benefits and denial of certain medical expenses based on its determination that the motor vehicle accident was an intervening event was error.
- (3) Claimant forfeited any issue with the Commission's denial of penalties and fees.
- ¶ 2 On July 9, 2010, claimant, Latasha Steele, filed an application for adjustment of

claim pursuant to the Illinois Workers' Compensation Act (Act) (820 ILCS 305/1 to 30 (West 2010)), seeking benefits from the employer, Binny's Beverage Depot. She alleged she suffered various injuries to her face, left leg, and low back. Following a July 24, 2012, hearing, the arbitrator found claimant's condition of ill-being in her low back was causally related to the work accident and awarded her (1) temporary total disability (TTD) benefits for the periods of June 28, 2010, through August 19, 2010, and November 30, 2010, through July 24, 2012; (2) expenses for all medical services rendered; and (3) prospective medical care recommended by claimant's treating physician. The arbitrator declined to assess penalties and fees against the employer. On review, the Illinois Workers' Compensation Commission (Commission) modified the arbitrator's decision upon finding that a January 2011 motor vehicle accident broke the chain of causation between the work accident and claimant's condition of ill-being in her low back. Thus, the Commission modified the award to include only those expenses for medical services rendered through January 17, 2011, and it terminated TTD benefits as of January 18, 2011. In addition, the Commission remanded the matter to the arbitrator for further proceedings pursuant to *Thomas v. Industrial Comm'n*, 78 Ill. 2d 327, 399 N.E.2d 1322 (1980). On judicial review, the circuit court of Cook County confirmed the Commission's decision. This appeal followed.

¶ 3 On appeal, claimant argues the (1) Commission's finding that her current condition of ill-being in her low back was not causally related to the June 2010 work accident due to an intervening motor vehicle accident was against the manifest weight of the evidence; (2) Commission erred as a matter of law by failing to find that the employer had the burden of proving the intervening motor vehicle accident broke the chain of causation; (3) Commission's termination of benefits effective the date of the motor vehicle accident was in error; and (4) Commission's denial of penalties and fees was against the manifest weight of the evidence. We

reverse the portions of the circuit court's judgment which affirmed the Commission's (1) finding that the motor vehicle accident was an intervening event that broke the chain of causation between the work-related accident and claimant's current condition of ill-being in her low back; and (2) termination of TTD benefits effective January 18, 2011, and denial of medical expenses for services rendered after January 17, 2011. We affirm the portions of the circuit court's judgment which confirmed the Commission's decision to deny attorney fees and penalties. Further, we remand to the Commission so that it may, consistent with this decision, determine claimant's eligibility for TTD benefits and medical expenses on and after January 18, 2011, and for further proceedings pursuant to *Thomas*, 78 Ill. 2d 327, 399 N.E.2d 1322.

¶ 4

I. BACKGROUND

¶ 5 The following evidence relevant to this appeal was elicited at the July 24, 2012, arbitration hearing.

¶ 6 Claimant testified that on June 28, 2010, she worked for the employer as a cashier. Her position required her to twist, turn, bend, and reach to bag items for customers. She was also required to stock shelves. While at work on June 28, 2010, claimant slipped and fell on a wet floor. Claimant testified that immediately after the fall, she experienced "a lot of pain." Specifically, she stated, "[m]y back was hurting so bad. My [left] knee was hurting." In addition, claimant suffered a cut and swollen lip. Claimant explained her immediate pain was located in her low back and left knee. The following day, she also experienced pain in her neck and both shoulders. According to claimant, prior to her fall at work, her health "was fine" and she had not previously experienced pain in her low back or left knee.

¶ 7 Claimant testified that immediately following the fall, she sought treatment at Resurrection Immediate Health Care (Resurrection). The employer told her to go to

Resurrection and a co-worker drove her there. According to claimant, she could barely walk by the time she got to Resurrection due to pain in her low back and left knee. While at Resurrection, claimant was treated for low back pain, a left knee contusion, and a lip abrasion. X-rays indicated no abnormalities in claimant's lumbosacral spine and a possible small foreign body in her left knee. She was fitted with a knee brace and given work restrictions of no lifting, carrying, pushing or pulling more than 20 pounds, with minimal walking and standing.

¶ 8 On July 1, 2010, claimant treated with Dr. Amit Mehta, a physician board-certified in pain management and anesthesiology. Claimant's main complaints were low back pain, neck pain, and left knee pain following the June 28, 2010, work accident. Dr. Mehta ordered a magnetic resonance imaging (MRI) of the lumbar and cervical spine and recommended that claimant see an orthopedic specialist for her left knee. Dr. Mehta restricted claimant from work. At a July 22, 2010, follow-up appointment, Dr. Mehta noted that claimant's lumbar radiculopathy correlated with her July 2, 2010, MRI findings of a herniated disc at L5-S1. At that time, Dr. Mehta recommended an epidural injection. Claimant received an epidural injection on July 28, 2010. Claimant testified that she continued to be in pain after the epidural injection.

¶ 9 On July 14, 2010, claimant first saw Dr. Croveti at Trinity Orthopedics. At that time, claimant provided a history of left knee pain, low back pain, and neck pain since her fall at work on June 28, 2010. Dr. Croveti diagnosed a cervical strain, lumbar strain with sacroiliitis and SI displacement, and a left knee contusion with patellofemoral syndrome. He gave claimant an injection in the left SI joint, fitted her with a brace for her left knee, and recommended physical therapy.

¶ 10 At a July 21, 2010, follow-up appointment, Dr. Croveti noted claimant "looks

much better as far as decreased amount of discomfort." On that date, claimant rated her low back pain a 6 out of 10, left knee pain a 3 out of 10, and neck pain a 3 to 4 out of 10. Physical therapy records from the same date indicate claimant reported her back and left knee pain a 7 out of 10 and her neck pain a 5 out of 10.

¶ 11 At an August 4, 2010, follow-up appointment, Dr. Crovetti noted claimant "was doing much better," that her "[k]nee [was] about 100% resolved," and that her neck was "about 99 to 100% improved." He also noted "[s]he was doing very well with the back until yesterday when she was awoken, straddled [*sic*], and jumped up and re-exacerbated her left low back. So her pain is about 4/10." Dr. Crovetti further noted claimant was no longer taking Tramadol or the muscle relaxant and was only taking Naproxen twice a day.

¶ 12 On August 16, 2010, Dr. Crovetti released claimant to return to work, noting she was "doing well as far as her work-related injury."

¶ 13 On August 19, 2010, claimant saw Dr. Mehta for a follow-up appointment. Dr. Mehta's office note from that date indicates that claimant was "doing great, with no pain complaints, and her pain is a 0/10." Dr. Mehta discharged claimant, noting she was at maximum medical improvement (MMI) at that time.

¶ 14 Claimant testified that upon returning to work on August 23, 2010, she experienced pain in her low back as well as pain that went up and down her left leg after long periods of standing which required her to stop often and take breaks. On November 30, 2010, claimant saw Dr. Crovetti's physician assistant, Douglas Johnson, complaining of a reaggravation of her low back pain with associated bilateral buttock pain radiating down into the legs. Claimant testified her last day of work was November 30, 2010.

¶ 15 At a December 9, 2010, follow-up appointment with Dr. Crovetti, claimant

reported the pain "going down her left leg" was an 8 to 9 out of 10. He noted that claimant had severe discomfort with palpation along her left lower back and SI joint. Dr. Croveti gave her an injection in her left SI joint. Dr. Croveti further noted that claimant's "therapy should be continued and I would proceed with the transforaminal epidural at the L5-S1 level. She has had this problem in the past [and it] has calm[ed] down, but it has now come back with significant worsening."

¶ 16 At a December 16, 2010, follow-up appointment, Dr. Croveti noted claimant reported "since November, she thinks she has improved about 40%, but it waxes and wanes." He further indicated claimant continued to have pain across the low side of the back into the buttock and down into her leg to knee occasionally. Claimant's physical therapy records for the same date indicate she reported her "pain" on that date was a 6.7 out of 10. Dr. Croveti scheduled an epidural injection at L5-S1 for her left leg radicular symptoms which claimant underwent on December 22, 2010.

¶ 17 At her December 23 and December 29, 2010, physical therapy appointments, claimant rated her pain a 2.5 out of 10.

¶ 18 At a January 6, 2011, follow-up appointment, Dr. Croveti noted claimant was doing much better and had no more radicular pain. At that time, claimant did report some pain in her low back which she rated a 6 out of 10, but Dr. Croveti's office note states that claimant reported the pain "was worse now that she has [a] bad cold and she is coughing significantly." Dr. Croveti further noted claimant had decreased her pain medicine. Dr. Croveti indicated claimant should be able to return to "more full time type of work within two weeks" if she continued to improve.

¶ 19 On January 18, 2011, claimant's car was rear ended by another vehicle. At

arbitration, claimant testified that she was stopped at a red light when she "felt a little tap on [her] car" and her car "moved just a few inches." According to claimant, no one was injured in the accident and neither vehicle sustained any damage. Claimant's mother, Sara Woodruff, testified that she was a passenger in claimant's vehicle on January 18, 2011. Woodruff stated she did not feel any impact at all.

¶ 20 On January 18, 2011, claimant cancelled her physical therapy appointment due to a "car accident." At her January 19, 2011, physical therapy appointment, claimant informed her therapist she had been in a motor vehicle accident the day before. On January 19, 2011, claimant rated her low back pain a 3.4 out of 10.

¶ 21 On January 20, 2011, claimant returned to see Dr. Croveti. Dr. Croveti's office note from that date indicates as follows:

"[Claimant] was doing well until Tuesday of this week, [when she] was involved in a motor vehicle accident where she was rear-ended. She was with the pain down to about a 2/10 after the accident, and her pain was back[] up to a 5/10 and has gone back[] up on Nucynta to twice a day and continuing the Naproxen twice a day. She states today in therapy, she had some discomfort going into her leg during the therapy.

On examination, she looks more lethargic today. She is in worse spirits being melancholy and became tearful when discussing her treatment. She does have significant tenderness to palpation of the lumbar spine at the L5-S1 and the left SI joint."

Dr. Croveti's diagnosis was "[l]ow back pain with radiculopathy secondary to L5-S1 disc herniation was improving until the motor vehicle accident this Tuesday." At her physical therapy appointment that same day claimant rated her low back pain a 3 out of 10. On January 25, 2011, claimant reported having "no pain, just a little ache." On January 27, 2011, claimant reported her "back feels good" and "there's no leg pain."

¶ 22 On February 9, 2011, claimant rated her low back pain a 4.3 out of 10. On February 16, 2011, claimant underwent a second epidural injection by Dr. Croveti. At that time, claimant rated her pain a 4 to 5 out of 10. At a March 2, 2011, follow-up appointment, claimant rated her pain a 2 to 3 out of 10.

¶ 23 On March 16, 2011, claimant returned to Dr. Croveti complaining of pain in her arms and legs and into her buttocks down into her mid thigh. At that time, claimant rated her pain an 8 out of 10. Dr. Croveti's office note indicates her pain was likely secondary to the physical therapy. However, Dr. Croveti recommended that claimant obtain a second opinion from Dr. Sokolowski.

¶ 24 On March 24, 2011, claimant saw Dr. Sokolowski, an orthopedic surgeon specializing in spine surgery. Dr. Sokolowski reviewed claimant's lumbar spine MRI which he noted showed degenerative changes at L5-S1 and a left-sided disc herniation with resultant lateral recess and neuroforaminal stenosis. Dr. Sokolowski's office note for that date indicates claimant was at nonoperative MMI, but that she had two options for surgical intervention including an L5-S1 decompression or a L5-S1 decompression with an associated fusion.

¶ 25 Claimant saw Dr. Sokolowski again on April 15, 2011. At that time, she indicated her back pain was a 9 out of 10 and the pain in her legs and buttocks was a 7 out of 10. Since her last visit, she had also presented to the emergency department due to severe pain. Dr.

Sokolowski's office note indicates claimant elected to proceed with lumbar decompression and fusion surgery. Claimant returned to see Dr. Sokolowski on May 16, June 20, August 1, September 6, and October 19, 2011, as well as January 16 and March 14, 2012. During these visits, she continued to rate her back pain as a 9 out of 10 and the pain in her legs and buttocks a 6 to 7 out of 10.

¶ 26 At arbitration, the employer introduced Dr. Jesse Butler's evidence deposition, taken April 13, 2012. Dr. Butler testified that he was an orthopedic surgeon who conducted an independent medical examination of claimant on April 29, 2011, at the request of the employer. In addition to conducting a physical examination of claimant, Dr. Butler reviewed the July 2010 MRI films; medical records from Resurrection, Dr. Crovetti, and Dr. Sokolowski; and physical therapy records. Dr. Butler diagnosed claimant with cervical and lumbar strains and a lumbar disc protrusion. He testified that claimant's condition of ill-being prior to the January 2011 motor vehicle accident was cervical and lumbar strains. Dr. Butler opined that claimant reached MMI from the work accident on August 20, 2010. Dr. Butler based his opinion on the fact that claimant had returned to work without pain in August 2010 and when she saw Dr. Crovetti again in November 2010, claimant related her back pain at that time to "prolonged standing during the normal activities of her work" rather than any "lingering effects of the previous injury or any new injury." In Dr. Butler's opinion, claimant's treatment from November 2010 up to the date of the accident was unrelated to the June 2010 work accident.

¶ 27 Dr. Butler testified that his knowledge of the January 2011 motor vehicle accident was limited to Dr. Crovetti's note that claimant's vehicle was rear-ended. However, Dr. Butler opined that all treatment received by claimant following the January 2011 motor vehicle accident was unrelated to the June 2010 work accident and that the work injury was neither a cause nor a

contributing factor of claimant's need for treatment following the motor vehicle accident.

According to Dr. Butler, claimant's condition changed significantly following the motor vehicle accident. In particular, he noted claimant "went from someone who's functionally back into the workplace" before the accident, but following the accident became "depend[ent] upon a back brace and a TENS unit. She was taking multiple narcotics per day and actually using unprescribed oral morphine tablets from a friend." On cross-examination, Dr. Butler denied that the November 1, 2011, MRI which showed no changes to claimant's spine, was evidence that the motor vehicle accident had no effect on her spine.

¶ 28 At arbitration, claimant introduced Dr. Sokolowski's evidence deposition, taken June 7, 2012. Dr. Sokolowski testified that he first saw claimant in March 2011 after she was referred to him by Dr. Crovetti. After conducting a physical examination and reviewing a July 2010 MRI of claimant's lumbar spine, he diagnosed claimant with "lumbar radiculopathy, subsequent to a work-related injury." Based on claimant's failure to obtain relief through conservative management, Dr. Sokolowski recommended surgical intervention. He further opined that, based upon the history claimant provided and his review of the MRI, her current condition of ill-being was causally related to the work accident. Dr. Sokolowski attributed claimant's worsening symptoms throughout his treatment to a progression of the L5-S1 lumbar pathology caused by the work accident.

¶ 29 Dr. Sokolowski testified he first learned of the January 2011 motor vehicle accident in October 2011, when he reviewed Dr. Butler's independent medical examination report. At that time, Dr. Sokolowski ordered a second lumbar MRI. According to the Dr. Sokolowski, the second MRI did not show any material structural change, and thus, he continued to relate claimant's radiculopathy to the work accident. He further opined that, while claimant

had an underlying degenerative disc disease, "the [work accident] exacerbated the underlying degenerative condition to the point where she became symptomatic and has necessitated and promoted the need for treatment, which continues to this day."

¶ 30 Claimant testified that as of the date of arbitration, she continued to have pain in her low back which was not present prior to the work accident but had been present ever since. She stated her left knee was "getting better." Claimant testified that after walking approximately a half block, she feels pain in her left knee, her buttocks go numb, and her low back hurts. She further testified she was unable to stand for more than 20 minutes without pain in her left knee and low back. She also had pain in her low back after sitting for long periods of time. Claimant testified that she wanted to proceed with the surgery recommended by Dr. Sokolowski.

¶ 31 On January 22, 2013, the arbitrator issued his decision. As stated, he found claimant's condition of ill-being in her low back was causally related to the June 2010 work accident. Accordingly, the arbitrator awarded (1) temporary total disability (TTD) benefits for the periods of June 28, 2010, through August 19, 2010, and November 30, 2010, through July 24, 2012; (2) expenses for all medical services rendered; and (3) prospective medical care recommended by claimant's treating physician. He denied claimant's request for penalties and fees.

¶ 32 On January 15, 2014, the Commission modified the arbitrator's decision upon finding that the January 2011 motor vehicle accident broke the chain of causation between the work accident and her low back injury. In so finding, the Commission noted claimant's testimony that she sustained no injuries at the time of the motor vehicle accident contradicted Dr. Crovetti's office records which showed claimant's pain increased and her radicular symptoms recurred following the motor vehicle accident. The Commission further found "Dr. Butler's

opinion, that the motor vehicle accident changed [claimant's] condition and caused the previously successful conservative medical treatments to fail, persuasive and consistent with the medical records." As stated, the Commission modified the award to include only those expenses for medical services rendered through January 17, 2011, and it terminated claimant's TTD benefits as of January 18, 2011. Claimant sought judicial review and on October 28, 2014, the circuit court of Cook County confirmed the Commission's decision. This appeal followed.

¶ 33

II. ANALYSIS

¶ 34 On appeal, claimant argues the (1) Commission's finding that her current condition of ill-being in her low back was not causally related to the June 2010 work accident due to an intervening motor vehicle accident was against the manifest weight of the evidence; (2) Commission erred as a matter of law by failing to find that the employer had the burden of proving the intervening motor vehicle accident broke the chain of causation; (3) Commission's termination of benefits effective the date of the motor vehicle accident was in error; and (4) Commission's denial of penalties and fees was against the manifest weight of the evidence.

¶ 35

A. Causation

¶ 36 On appeal, claimant first argues that the Commission erred in finding the current condition of ill-being in her low back was not causally connected to her June 2010 work accident. In particular, she contends the Commission's finding that the January 2011 motor vehicle accident was an intervening event that broke the chain of causation was against the manifest weight of the evidence.

¶ 37

"To obtain compensation under the Act, a claimant bears the burden of showing, by a preponderance of the evidence, that [s]he has suffered a disabling injury which arose out of and in the course of h[er] employment." *Sisbro, Inc. v. Industrial Comm'n*, 207 Ill. 2d 193, 203,

797 N.E.2d 665, 671 (2003). " 'In the course of employment' refers to the time, place and circumstances surrounding the injury." *Id.* In other words, the injury "generally must occur within the time and space boundaries of the employment." *Id.* In addition, an injury must "arise out of" the employment. *Id.* "To satisfy [the 'arising out of'] requirement it must be shown that the injury had its origin in some risk connected with, or incidental to, the employment so as to create a causal connection between the employment and the accidental injury." *Id.*

¶ 38 "Every natural consequence that flows from an injury that arose out of and in the course of the claimant's employment is compensable unless caused by an independent intervening accident that breaks the chain of causation between a work-related injury and an ensuing disability or injury." *Vogel v. Industrial Comm'n*, 354 Ill. App. 3d 780, 786, 821 N.E.2d 807, 812 (2005). "Under an independent intervening cause analysis, compensability for an ultimate injury or disability is based upon a finding that the employee's condition was caused by an event that would not have occurred 'but for' the original injury." *National Freight Industries v. Illinois Workers' Compensation Comm'n*, 2013 IL App (5th) 120043WC, ¶ 26, 993 N.E.2d 473. "Whether a causal connection exists between the employee's condition of ill-being and a particular work-related accident is a question of fact." *Id.* "In resolving disputed issues of fact, including issues related to causation, it is the Commission's province to assess the credibility of witnesses, draw reasonable inferences from the evidence, determine what weight to give testimony, and resolve conflicts in the evidence." *Shafer v. Illinois Workers' Compensation Comm'n*, 2011 IL App (4th) 100505WC, ¶ 38, 976 N.E.2d 1.

¶ 39 On review, the Commission's decision will not be disturbed unless it is against the manifest weight of the evidence. *Westin Hotel v. Industrial Comm'n*, 372 Ill. App. 3d 527, 538, 865 N.E.2d 342, 353 (2007). "For the Commission's decision to be against the manifest weight

of the evidence, the opposite conclusion must be clearly apparent." *Id.* at 539, 865 N.E.2d at 353.

¶ 40 Here, the Commission determined that claimant's current condition of ill-being in her low back was not causally related to her June 28, 2010, work accident because the January 18, 2011, motor vehicle accident was an intervening event that broke the chain of causation. Although we are reluctant to set aside the Commission's decision on a factual question, we will not hesitate to do so when the clearly evident, plain, and indisputable weight of the evidence compels an opposite conclusion. *Potenzo v. Illinois Workers' Compensation Comm'n*, 378 Ill. App. 3d 113, 119, 881 N.E.2d 523, 529 (2007). In this case, the record fails to support the Commission's finding that the motor vehicle accident broke the chain of causation.

¶ 41 We find *National Freight*, 2013 IL App (5th) 120043WC, 993 N.E.2d 473, instructive. In *National Freight*, the claimant suffered an injury in November 2006 while in the employ of Fisher Lumber. *Id.* ¶ 4, 993 N.E.2d 473. On that date, the claimant was pulling boxes off a truck when he felt a pop in his low back followed by a sharp pain in his low back that radiated to his right leg. *Id.* In December 2008, the day before the claimant was scheduled for a right L3-4 microdiscectomy, he was involved in a motor vehicle accident while in the employ of National Freight. *Id.* ¶ 9. At the time of the motor vehicle accident, the claimant felt a pop on the left side of his back and an immediate sharp pain down his left side and low back, as well as numbness and tingling down his left leg. *Id.* In affirming the Commission's determination that the December 2008 motor vehicle accident was an independent, intervening cause which broke the causal connection between the claimant's current condition of ill-being and his November 2006 work injury, we noted a number of factors that militated against a finding of causation. First, the evidence showed that the claimant's symptoms changed and the intensity of his pain

increased after the motor vehicle accident. *Id.* ¶ 29. Second, MRIs taken of claimant's low back on three different dates (twice before the accident and once after) revealed that the pathology of the claimant's condition changed following the motor vehicle accident. *Id.* ¶ 30. Third, the claimant's neurosurgeon changed his surgical recommendation following the motor vehicle accident. *Id.* ¶ 31. Last, the evidence showed that the claimant was able to work within prescribed work restrictions up to the motor vehicle accident but not after. *Id.* ¶ 32. Based on the evidence, we found that "[t]he motor vehicle accident clearly changed the nature of claimant's injury." *Id.* ¶ 33.

¶ 42 The factors we found significant in finding an intervening accident in *National Freight* are not present in this case. First, neither claimant's symptoms nor the intensity of her pain changed immediately following the motor vehicle accident. We observe that claimant's symptoms waxed and waned following her work injury but prior to the motor vehicle accident. For example, claimant's symptoms had completely subsided by August 2010 only to flare up again less than two months later. On January 6, 2011, claimant rated her low back pain a 6 out of 10, but on January 19, 2011—the day after the motor vehicle accident—she reported her low back pain was a 3.4 out of 10. On January 20, 2011, she reported her low back pain was a 3 out of 10. It then appears claimant's complaints waxed and waned over the next several months, as they had in the months prior to the motor vehicle accident—eventually becoming severe enough to warrant a surgical recommendation in March 2011. Based on the above, the record fails to support Dr. Butler's testimony that the motor vehicle accident "had a great deal of impact on [claimant's] complaints of pain."

¶ 43 Second, unlike *National Freight*, the pathology of claimant's condition did not change following the motor vehicle accident. In particular, Dr. Sokolowski testified that

claimant's November 1, 2011, MRI indicated "no material structural change from her [July 2010] MRI."

¶ 44 Third, although surgery was not recommended until after the motor vehicle accident, there is no evidence that the surgical recommendation was due to a change in claimant's condition caused by the motor vehicle accident. As noted by Dr. Sokolowski, claimant had "precisely the same symptoms, in precisely the same anatomic distribution, with the similar radicular findings, which necessitated epidural steroid injections, et cetera, prior to that collision; therefore, [the motor vehicle accident] does not in anyway [*sic*] change my causal connection between the inciting work-related injury and the need for the surgical treatment I proposed."

¶ 45 Finally, the record refutes Dr. Butler's testimony that claimant "went from someone who's functionally back into the workplace" before the accident, to someone who was "dependent upon a back brace and a TENS unit" and taking multiple narcotics after the accident. In fact, the record shows that claimant was not working at the time of the motor vehicle accident. Although just prior to the accident, Dr. Crovetti thought claimant might be able to return to "more full time type of work within two weeks" *if she continued to improve*, claimant had not yet returned to work.

¶ 46 In our review of the record, the evidence of the motor vehicle accident having any impact on claimant's current condition of ill-being is underwhelming. We fail to see how the motor vehicle accident described by claimant as "a little tap"—a tap her passenger did not even feel—and which did not result in any substantial change in claimant's symptoms or pain complaints, and no change in her pathology, could be considered an intervening event that broke the chain of causation between claimant's work-related injury and her low back injury. As noted, the Commission relied on Dr. Butler's opinion regarding causation but the basis for his opinion is

refuted by the record. Under the facts of this case, an opposite conclusion from that of the Commission is clearly evident and its decision regarding causation is against the manifest weight of the evidence.

¶ 47 B. Burden of Proof Regarding Intervening Accident

¶ 48 Claimant next argues that the Commission erred as a matter of law by failing to find that the employer had the burden of proving the motor vehicle accident broke the chain of causation. Because we find the Commission's determination that the motor vehicle accident was an intervening event that broke the chain of causation was error, we need not address this issue on the merits.

¶ 49 C. Termination of Benefits

¶ 50 Claimant next asserts that the Commission erred in terminating benefits because she had not yet reached MMI. The Commission's decision to terminate TTD benefits, and therefore, deny certain medical expenses, was based solely on its determination that the motor vehicle accident was an intervening event that broke the chain of causation between claimant's work injury and her current condition of ill-being in her low back, which as stated, was error. The Commission made no finding regarding MMI. See *F&B Manufacturing Co. v. Industrial Comm'n*, 325 Ill. App. 3d 527, 534, 758 N.E.2d 18, 24 (2001) (a claimant is entitled to TTD benefits until she reaches MMI). Accordingly, we remand to the Commission to reconsider claimant's eligibility for TTD benefits after January 18, 2011, and medical expenses incurred on and after January 18, 2011.

¶ 51 D. Penalties and Fees

¶ 52 Last, claimant argues the Commission erred in failing to award "penalties and fees" because the employer's reliance on Dr. Butler's medical opinion was unreasonable.

However, claimant fails to identify the nature of the penalties or fees requested. She also cites no authority to support her argument. Illinois Supreme Court Rule 341(h)(7) (eff. Feb. 6, 2013) requires parties to provide citations to relevant authority supporting their arguments on appeal. Because claimant failed to provide any statutory or case citation to support her argument, it has been forfeited for purposes of this appeal. *Ameritech Services, Inc. v. Illinois Workers' Compensation Comm'n*, 389 Ill. App. 3d 191, 208, 904 N.E.2d 1122, 1137 (2009).

¶ 53

III. CONCLUSION

¶ 54 For the reasons stated, we reverse the portions of the circuit court's judgment which affirmed the Commission's (1) finding that the motor vehicle accident was an intervening event that broke the chain of causation between the work-related accident and claimant's current condition of ill-being in her low back; and (2) termination of TTD benefits effective January 18, 2011, and denial of medical expenses for services rendered after January 17, 2011. We affirm the portions of the circuit court's judgment which confirmed the Commission's decision to deny attorney fees and penalties. Further, we remand to the Commission so that it may, consistent with this decision, determine claimant's eligibility for TTD benefits and medical expenses on and after January 18, 2011, and for further proceedings pursuant to *Thomas*, 78 Ill. 2d 327, 399 N.E.2d 1322.

¶ 55 Affirmed in part and reversed in part; cause remanded.