

No. 5-15-0276WC

**NOTICE:** This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIFTH DISTRICT

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MICHELE McNEASE,	)	Appeal from the
	)	Circuit Court of
Appellee,	)	Madison County
	)	
v.	)	No. 14 MR 228
	)	
ILLINOIS WORKERS' COMPENSATION	)	
COMMISSION, <i>et al.</i> ,	)	
	)	
(WAL-MART ASSOCIATES, INC.,	)	Honorable
	)	John Barberis,
Appellant).	)	Judge Presiding.

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

**ORDER**

¶ 1 *Held:* This appeal was dismissed for want of jurisdiction.

¶ 2 Wal-Mart Associates, Inc. (Wal-Mart) appeals from an order of the circuit court of Madison County which reversed portions of a decision of the Illinois Workers' Compensation Commission (Commission) finding that the claimant, Michele McNease, failed to prove that the condition of ill-being of her left hand is causally related to repetitive trauma she sustained while

in its employ and denying the claimant benefits pursuant to the Workers' Compensation Act (Act) (820 ILCS 305/1 *et seq.* (West 2010)) for that condition. For the reasons which follow, we dismiss this appeal for want of jurisdiction.

¶ 3 The claimant filed two applications for adjustment of claim pursuant to the Act, seeking benefits for a repetitive trauma injury to her right hand which manifested itself on January 16, 2012 (No. 12 WC 2970) and a repetitive trauma injury to her left hand which manifested itself on November 13, 2012 (No. 12 WC 44170). The cases were consolidated and, following a hearing under section 19(b) of the Act (820 ILCS 305/19(b) (West 2010)), the arbitrator issued a decision finding that the claimant failed to prove a causal connection between the conditions of ill-being of her hands and her employment with Wal-Mart. As a consequence, the arbitrator denied the claimant benefits under the Act.

¶ 4 The claimant filed for a review of the arbitrator's decision before the Commission. On September 22, 2014, the Commission, with one commissioner dissenting, issued a decision reversing that portion of the arbitrator's decision which found that the claimant failed to prove a causal connection between her right hand carpal tunnel syndrome and her employment with Wal-Mart. The Commission ordered Wal-Mart to pay \$2,226 for medical expenses and also ordered it to authorize and pay for prospective right hand carpal tunnel surgery. In all other respects, the Commission affirmed and adopted the arbitrator's decision.

¶ 5 The claimant sought judicial review of the Commission's decision in the circuit court of Madison County. On June 11, 2015, the circuit court entered an order reversing that portion of the Commission's decision which found that the claimant failed to prove that the condition of ill-being of her left hand is causally related to repetitive trauma she sustained while working for

Wal-Mart. The court also reversed that portion of the Commission's decision which denied the claimant benefits under the Act for the condition of ill-being of her left hand, and it remanded the matter to the Commission "for further proceedings consistent with the findings of [its] \*\*\* order."

¶ 6 Wal-Mart filed a notice of appeal from the circuit court's order of June 11, 2015. In its brief before this court, Wal-Mart argues that the Commission's decision of September 22, 2014, is not against the manifest weight of the evidence and, as a consequence, the circuit court erred in reversing those portions of that decision which denied the claimant benefits for the condition of ill-being of her left hand.

¶ 7 Although both parties seem to assert that this court has jurisdiction to entertain this appeal, we have an obligation to examine our jurisdiction and dismiss Wal-Mart's appeal if jurisdiction is lacking. *Williams v. Industrial Comm'n*, 336 Ill. App. 3d 513, 515 (2003). A circuit court order reversing a decision of the Commission and remanding the matter back to the Commission for further proceedings is generally not a final order for purposes of appeal. *Id.* at 516. It is only in cases where the Commission on remand has been ordered to act in accordance with the directions of the circuit court and conduct proceedings on uncontroverted incidental matters or merely make a mathematical calculation, that the circuit court's order is considered a final order for purposes of appeal. *Edmonds v. Illinois Workers' Compensation Comm'n*, 2012 IL App (5th) 110118WC, ¶ 19; see also *A.O. Smith Corp. v. Industrial Comm'n*, 109 Ill. 2d 52, 54-55 (1985).

¶ 8 In this case, the circuit court reversed both the Commission's finding that the claimant failed to prove a causal connection between her left hand carpal tunnel syndrome and her

employment with Wal-Mart, and its denial of benefits under the Act for that condition of ill-being. The circuit court remanded the matter back to the Commission for further proceedings consistent with the findings in its order. It is apparent that, on remand, the Commission must consider whether and, to what extent, the claimant is entitled to an award for the reasonable and necessary medical expenses she incurred in treating her left hand carpal tunnel syndrome and whether she is entitled to prospective medical treatment for that condition. These issues are not uncontroverted incidental matters, nor can they be resolved by simple mathematical calculations. As a consequence, we conclude that the circuit court's order of June 11, 2015, is not a final order for purposes of appeal, and we, therefore, have no jurisdiction to entertain this appeal.

¶ 9 Appeal dismissed and cause remanded.