

NOTICE

Decision filed 02/22/16. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2016 IL App (5th) 150279WC-U

NO. 5-15-0279WC

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

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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NICHOLE COLLINS,	)	Appeal from the
	)	Circuit Court of
Appellee,	)	Madison County.
	)	
v.	)	No. 14-MR-313
	)	
THE ILLINOIS WORKERS' COMPENSATION	)	
COMMISSION <i>et al.</i>	)	Honorable
	)	John B. Barberis, Jr.,
(Kraft Foods, Appellant).	)	Judge, presiding.

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JUSTICE STEWART delivered the judgment of the court.

Presiding Justice Holdridge and Justices Hoffman, Hudson, and Harris concurred in the judgment.

**ORDER**

¶ 1 *Held:* Where the circuit court reversed the Commission's denial of benefits and remanded the cause to the Commission, the circuit court's order was not final, and thus this court was without jurisdiction to consider the employer's appeal.

¶ 2 The employer, Kraft Foods, appeals from an order of the circuit court of Madison County, which reversed the decision of the Illinois Workers' Compensation Commission (Commission) finding that the claimant, Nichole Collins, failed to prove that her condition of bilateral carpal tunnel syndrome and left ulnar neuropathy was causally related to repetitive trauma she sustained while working in its employ and denying the

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

¶ 3 The claimant filed an application for adjustment of claim against her employer seeking workers' compensation benefits for injury to her bilateral hands and arms as a result of repetitive trauma arising out of and in the course of her employment and manifesting itself on December 22, 2011. After a hearing, the arbitrator denied the claimant benefits, finding that the claimant did not sustain accidental injuries that arose out of and in the course of her employment, that she did not give timely notice of the accident to the employer, and that her condition of ill-being was not causally related to the accident. The claimant sought review of this decision before the Commission, which affirmed and adopted the arbitrator's decision.

¶ 4 The claimant filed a timely petition for review in the circuit court of Madison County. On June 11, 2015, the circuit court entered an order holding that the Commission's findings that the claimant failed to prove that she sustained accidental injuries arising out of and in the course of her employment, that she provided timely notice of her accident to her employer, and that her current condition of ill-being was causally related to her accident were against the manifest weight of the evidence. The court reversed the Commission's decision and remanded the matter to the Commission "for further proceedings consistent with the findings of this Order."

¶ 5 The employer appealed arguing that the Commission's decision denying accident, notice, and causal connection was not against the manifest weight of the evidence and, as

a consequence, the circuit court erred in reversing that decision, which denied the claimant benefits for the condition of ill-being in her hands and arms.

¶ 6 Although both parties assert that this court has jurisdiction to entertain this appeal, we have an obligation to consider, *sua sponte*, whether jurisdiction is proper. *Williams v. Industrial Comm'n*, 336 Ill. App. 3d 513, 515, 784 N.E.2d 396, 398 (2003). Absent a statutory or supreme court rule exception, the jurisdiction of a reviewing court is limited to deciding appeals from final judgments. Ill. S. Ct. R. 301 (eff. Feb. 1, 1994) ("Every final judgment of a circuit court in a civil case is appealable as of right."); *Trunek v. Industrial Comm'n*, 345 Ill. App. 3d 126, 127, 802 N.E.2d 1268, 1269 (2003). In the context of a workers' compensation claim, when the trial court reverses the decision of the Commission and remands the matter back to it for further proceedings involving disputed questions of law or fact, the trial court's order is not final for purposes of appeal. *Williams*, 336 Ill. App. 3d at 516, 784 N.E.2d at 399. However, if on remand, the Commission only has to act in accordance with the directions of the court and conduct proceedings on uncontroverted incidental matters or merely make mathematical calculations, then the order is final for purposes of appeal. *Edmonds v. Illinois Workers' Compensation Comm'n*, 2012 IL App (5th) 110118WC, ¶ 19, 968 N.E.2d 775.

¶ 7 In the instant case, the circuit court reversed the Commission's finding that the claimant failed to prove that she sustained injuries of a repetitive nature arising out of and in the course of her employment, that she provided timely notice of her accident to her employer, and that her condition of ill-being was causally related to her employment. The circuit court remanded the matter back to the Commission for further proceedings

consistent with 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 bilateral carpal tunnel syndrome and left ulnar neuropathy and whether she is entitled to any other benefits. Upon remand, the Commission is required to do more than simply act in accordance with the directions of the circuit court, conduct proceedings on uncontroverted incidental matters, or make mere mathematical calculations. Because the circuit court's judgment does not fully and finally dispose of the rights of the parties so that no material controverted issues remain to be determined, we conclude that the circuit court's June 11, 2015, order is not a final order for purposes of appeal. Accordingly, this appeal must be dismissed for want of jurisdiction, and this cause remanded to the Commission for further proceedings.

¶ 8 Appeal dismissed and cause remanded.