

2014 IL App (4th) 130869WC-U

Workers' Compensation
Commission Division

Order Filed: September 24, 2014

No. 4-13-0869WC

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).

IN THE
APPELLATE COURT OF ILLINOIS
FOURTH DISTRICT

EVA EPPERSON,)	Appeal from the Circuit Court
)	of Douglas County.
)	
Appellee,)	
)	
v.)	No. 12 MR 28
)	
ILLINOIS WORKERS' COMPENSATION)	
COMMISSION, <i>et al.</i> ,)	Honorable
)	Michael G. Carroll,
(Herff Jones, Inc., Appellant).)	Judge, Presiding.

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

ORDER

¶ 1 *Held:* Appeal dismissed for lack of jurisdiction, where Herff seeks review of circuit court order reversing Commission's denial of benefits and remanding for hearing on damages, which is interlocutory in nature.

¶ 2 The employer, Herff Jones, Inc. (Herff), appeals the decision of the circuit court reversing the determination of the Illinois Workers' Compensation Commission (Commission), which denied benefits to the claimant, Eva Epperson, on the basis that she failed to prove that her injury arose out of her employment. For the reasons that follow, we dismiss this appeal for lack of jurisdiction.

¶ 3 The claimant filed an application for adjustment of claim under the Workers' Compensation Act (820 ILCS 305/1 *et seq.* (West 2010)), seeking temporary total disability benefits after sustaining an injury to her right wrist while working for Herff. Following a hearing, the arbitrator denied benefits. In his decision, the arbitrator specifically noted that there was no dispute that the claimant's injury occurred "in the course of" her employment, but that she had failed to prove that her injury "arose out of" her employment.

¶ 4 The claimant sought review before the Commission, and on August 1, 2012, the Commission affirmed and adopted the decision of the arbitrator.

¶ 5 She then sought judicial review of the Commission's decision in the circuit court of Douglas County. On August 30, 2013, the circuit court reversed the decision of the Commission and remanded the case to the Commission for a "hearing on award of damages". Herff now appeals.

¶ 6 On appeal, Herff argues that the Commission's finding that the claimant's injury did not arise out of her employment is not against the manifest weight of the evidence. However, even though the issue was not raised by either party, this court has an obligation to determine if it has jurisdiction to entertain this appeal. *In re Marriage of Betts*, 159 Ill. App. 3d 327, 330, 511 N.E.2d 732 (1987).

¶ 7 Subject to exceptions created by statute or set forth in the Rules of our Supreme Court, the jurisdiction of the appellate court is limited to reviewing appeals from final judgments. *In re Marriage of Verdung*, 126 Ill. 2d 542, 553, 535 N.E.2d 818 (1989). Herff is appealing from the August 30, 2013, order of the circuit court which reversed the Commission's decision denying the claimant benefits under the Act and remanded the matter back to the Commission for a hearing on damages. Herff asserts in its brief that its appeal is brought pursuant to Illinois Supreme Court Rule 303 (eff. June 4, 2008), which governs appeals from final judgments in civil cases. However, contrary to Herff's assertion, the circuit court's order of August 30, 2013, is not a final order.

¶ 8 When, as in this case, the circuit court reverses a decision of the Commission and remands the matter back to the Commission for further proceedings involving the resolution of questions of law or fact, the order is interlocutory and not appealable. *Stockton v. Industrial Comm'n*, 69 Ill. 2d 120, 124–25, 370 N.E.2d 548 (1977). That does not suggest, however, that such an order can never be reviewed. The Commission's subsequent decision made pursuant to the remanding order is again reviewable by the circuit court, and, if affirmed, the decision of the circuit court is a final order which is appealable to this court. See *Id.* at 125. In reviewing the final order of the circuit court, this court is authorized to review the entire record and determine the propriety of the circuit court's order reversing the Commission's original decision and remanding the matter for further proceedings. *Id.* at 126. The rule in this regard is an application of the proposition that an appeal from a final judgment draws into issue all prior interlocutory orders which produced the final order. *Burtell v. First Charter Service Corp.*, 76 Ill. 2d 427, 433, 394 N.E.2d 380 (1979).

¶ 9 This court's jurisdiction in workers' compensation cases is confined to appeals from final orders of the circuit court. 820 ILCS 305/19(f) (West 2000). The circuit court's August 30, 2013, order is interlocutory in nature and not appealable in its own right. *Stockton*, 69 Ill. 2d at 124; *Downey v. Industrial Comm'n*, 44 Ill. 2d 28, 29, 253 N.E.2d 371 (1969); *Mayrath Co. v. Industrial Comm'n*, 33 Ill. 2d 224, 225, 210 N.E.2d 529 (1965).

¶ 10 Absent a final order by the circuit court and a timely appeal therefrom, we have no jurisdiction to review the propriety of the interlocutory order entered by the circuit court on August 30, 2013, and our only course of action is to dismiss this appeal.

¶ 11 Appeal dismissed.