

No. 1-23-0391WC

**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

BRENDA HUDSON,	)	Appeal from the
	)	Circuit Court of
Appellee,	)	Cook County
	)	
v.	)	Nos. 2022 L 050325
	)	
THE ILLINOIS WORKERS' COMPENSATION	)	
COMMISSION <i>et al.</i> ,	)	Honorable
	)	Danial P. Duffy,
(R&L Management Company, Inc., Appellant).	)	Judge, Presiding.

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JUSTICE HOFFMAN delivered the judgment of the court.  
Presiding Justice Holdridge and Justices Mullen, Cavanagh, and Barberis concurred in the judgment.

**ORDER**

- ¶ 1 *Held:* We dismissed this appeal for want of jurisdiction, finding that the circuit court's order from which this appeal was taken is not a final order.
- ¶ 2 R&L Management Company, Inc. (R&L), filed the instant appeal from an order of the Circuit Court of Cook County which: (1) reversed a decision of the Illinois Workers'

Compensation Commission (Commission) which denied the claimant, Brenda Hudson, benefits under the Illinois Workers' Compensation Act (Act) (820 ILCS 305/1 *et seq.* (West 2014)), and (2) remanded the matter to the Commission with directions to enter factual findings on the disputed issues. For the reasons which follow, we dismiss this appeal for want of Jurisdiction.

¶ 3 The claimant filed an application for adjustment of claim pursuant to the Act, seeking benefits for injuries sustained while working for the R&L on February 26, 2015. Following an arbitration hearing held on November 15, 2019, the arbitrator issued a written decision on June 17, 2020, finding that the claimant failed to prove that she sustained accidental injuries which arose out of and in the course of her employment with R&L on February 26, 2015. Thereafter, the claimant filed a petition for review of the arbitrator's decision before the Commission. On April 27, 2022, the Commission issued a unanimous decision affirming and adopting the arbitrator's decision.

¶ 4 The claimant sought a judicial review of the Commission's decision in the circuit court of Cook County. On February 3, 2023, the circuit court entered an order stating that the decision of the Commission is "SET ASIDE" and remanding the matter to the Commission with directions to enter "factual findings as to the remaining disputed issues": whether the claimant's current condition of ill-being is "causally related to the injury;" whether the medical services provided to the claimant were reasonable and necessary and whether R&L has paid all appropriate charges for any such reasonable and necessary medical services; whether Temporary Total Disability benefits are due; the nature and extent of the claimant's injuries; and whether R&L is due any credits.

¶ 5 On March 2, 2023, R&L filed an amended notice of appeal from the circuit court's February 3, 2023, order.

¶ 6 The claimant argues that this court lacks jurisdiction to entertain R&L's appeal from the circuit court's February 3, 2023, order, reversing the Commission's decision and remanding the matter with directions to make factual findings. According to the claimant, because the February 3, 2023, order is not a final order, it is not appealable. In the statement of jurisdiction contained in its brief, R&L asserts that the circuit court's order is both final and appealable. Relying on this court's decisions in *Wood Dale Electric v. Illinois Workers' Compensation Comm'n*, 2013 IL App (1<sup>st</sup>) 113394WC and *Edmonds v. Illinois Workers' Compensation Comm'n*, 2012 IL App (5th) 110118WC, R&L requests that we address its appeal on the merits.

¶ 7 It is well settled that the jurisdiction of the appellate court is limited to the review of final judgments, unless an exception is provided by statute or Supreme Court Rule. *Trunek v. Industrial Comm'n*, 345 Ill. App. 3d 126, 127 (2003). "A judgment is final for appeal purposes if it determines litigation on the merits or some definite part thereof so that, if affirmed, the only thing remaining is to proceed with execution of the judgment." *In re Marriage of Verdung*, 126 Ill. 2d 542, 553 (1989).

¶ 8 R&L's reliance on this court's decisions in *Wood Dale Electric* and *Edmonds* in support of its assertion that we have jurisdiction over the instant appeal is misplaced. In *Edmonds*, we reviewed an order of the circuit court which reversed a decision of the Commission that awarded the claimant benefits under the Workers' Occupational Diseases Act (820 ILCS 310/1 *et seq.* (West 2002)). *Edmonds*, 2012 IL App (5th) 110118WC, ¶ 1. The circuit court's order was clearly final as it terminated the litigation. In *Wood Dale Electric*, the employer appealed from an order of the circuit court which reversed that portion of a decision of the Commission awarding it credit against the benefits due the claimant and confirmed the Commission's award of a wage differential benefit.

*Wood Dale Electric*, 2013 IL App (1<sup>st</sup>) 113394WC, ¶ 1. In addition, the circuit court remanded the matter to the Commission with directions to determine the extent to which the claimant was entitled to receive pension benefits. *Id.* ¶ 7. After vacating that portion of the circuit court's order remanding the matter to the Commission to determine the extent to which the claimant was entitled to receive pension benefits based upon the circuit court's lack of jurisdiction to enter such an order, we were left with a final order over which we exercised our jurisdiction. *Id.* ¶ ¶ 8-11.

¶ 9 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 disputed questions of law or fact, the order is interlocutory and not appealable. *A.O. Smith Corp. v. Industrial Comm'n*, 109 Ill. 2d 52, 54 (1985); *Stockton v. Industrial Comm'n*, 69 Ill. 2d 120, 124 (1977). We have no jurisdiction to entertain R&L's appeal, and our only course is to enter an order of dismissal.

¶ 10 Dismissed.