

No. 1-23-0273WC

NOTICE: This order was filed under Supreme Court Rule 23(b) and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

SOUTH BERWYN SCHOOL DISTRICT #100,)	Appeal from the
)	Circuit Court of
Appellant,)	Cook County
)	
v.)	No. 18L50852
)	
)	
THE ILLINOIS WORKERS' COMPENSATION)	
COMMISSION <i>et al.</i> ,)	Honorable
)	Daniel P. Duffy,
(Brigid Dowdle, Appellee).)	Judge, Presiding.

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

ORDER

¶ 1 *Held:* After remanding this case to the Illinois Workers' Compensation Commission, the circuit court lacked subject-matter jurisdiction to entertain the school's motion to return this case to the docket, and therefore the court was correct to grant claimant's motion for dismissal pursuant to section 2-619(a)(1) of the Code of Civil Procedure (735 ILCS 5/2-619(a)(1) (West 2022)).

¶ 2 The Illinois Workers' Compensation Commission (Commission) denied a claim by Brigid Dowdle for workers' compensation benefits from South Berwyn School District #100

(school). Dowdle brought an action for judicial review in the Cook County circuit court. The court reversed the Commission's decision and remanded the case to the Commission with directions to make findings on medical causation and disability benefits. On remand, the Commission issued a new decision. Then, in the circuit court, the school filed a motion to return the case to the docket. On the authority of *Kudla v. Industrial Comm'n*, 336 Ill. 279 (1929), the court granted Dowdle's motion for dismissal. See 735 ILCS 5/2-619(a)(1) (West 2022)). The court concluded that, upon remanding the case to the Commission, the court lost jurisdiction. The school appeals.

¶ 3 In our *de novo* review, we agree with the circuit court that remanding the case to the Commission divested the court of jurisdiction. See *Patrick Engineering, Inc. v. City of Naperville*, 2012 IL 113148, ¶ 31 ("Our review of a dismissal under *** section *** 2-619 is *de novo*."). Therefore, we affirm the judgment.

¶ 4 I. BACKGROUND

¶ 5 Dowdle claimed that on January 31, 2014, in her capacity as a teacher and basketball coach employed by the school, she sustained injuries to her left leg while playing in a student-teacher basketball game. She filed a claim for worker's compensation benefits.

¶ 6 On November 21, 2018, the Commission denied her claim, concluding that her injury had arisen out of a personal risk and that her claim was barred by the voluntary recreational exception in section 11 of the Workers' Compensation Act (Act) (820 ILCS 305/11 (West 2014)).

¶ 7 Dowdle appealed to the circuit court. On January 20, 2021, the court reversed the Commission's decision. The court remanded the case to the Commission "for entry of findings regarding medical, causation[,] and disability benefits the Commission finds due in accordance with this decision [by the court]."

¶ 8 On January 26, 2022, the Commission issued a decision on remand, making findings and awarding benefits in compliance with the circuit court’s order.

¶ 9 On May 11, 2022, in the circuit court, the school filed a “Motion to Return Case to the Docket for Final Adjudication on Judicial Review.” The motion asserted that the court’s remand order “was not a final order or judgement [*sic*] of the case for purposes of appeal and resolution of the case merits.” Instead, the motion argued, the court “retains jurisdiction of the action until final disposition where a remand to an administrative body for factual findings is required under a Court remand order.” (Also in May 2022, in Cook County circuit court case No. 22-L-50318, the school brought a separate action for judicial review of the decision the Commission issued on remand. Likewise, in that case, Dowdle moved for dismissal on jurisdictional grounds, and the court granted her motion. The school has appealed the judgment in that case as well. That appeal is case No. 1-23-0722WC.)

¶ 10 Under section 2-619(a)(1) of the Code of Civil Procedure (735 ILCS 5/2-619(a)(1) (West 2022)), Dowdle moved for a dismissal of the present case, arguing that by issuing the remand order, the circuit court had divested itself of jurisdiction. To reconfer jurisdiction on the court, the motion argued, the school had to follow the procedures in section 19(f) of the Act (820 ILCS 305/19(f) (West (2022))—not file a motion to return the case to the docket. On the authority of *Kudla*, the court granted Dowdle’s motion for dismissal.

¶ 11 This appeal by the school followed.

¶ 12 II. ANALYSIS

¶ 13 It is true that the circuit court had no power to return the case to the docket. Upon remanding the case to the Commission, the court lost subject-matter jurisdiction, as the court correctly perceived from its reading of *Kudla*.

¶ 14 In *Kudla*, the circuit court reversed the Commission’s decision denying workers’ compensation benefits to the claimant and remanded the case to the Commission for a new decision. *Kudla*, 336 Ill. at 280. In its remand order, the court purported to retain jurisdiction over the case. *Id.* In 1924, on remand, the Commission issued a new decision, this one in favor of the claimant. *Id.* Then, assuming it still had jurisdiction, the court remanded the case to the Commission again, directing the Commission to consider the claimant’s earnings and to adjust its award accordingly. *Id.* The Commission issued another decision, making another award to the claimant. *Id.* at 280-81. The supreme court held that because the Commission’s decision of 1924 was not appealed to the circuit court within 20 days in accordance with section 19(f) of the Act, the decision “became conclusive.” *Id.* at 281. The action for judicial review authorized by that section was “the only method provided for the review of decisions of the *** Commission.” *Id.* By its initial remand of the case to the Commission, the circuit court exhausted its special statutory jurisdiction, and the court’s “attempt to retain further jurisdiction was void.” *Id.* at 282. Likewise, “[a]ll subsequent proceedings, whether by the commission or the court, were void.” *Id.*

¶ 15 In the present case, the school concedes that “the *Kudla* court’s holding” “ ‘divests a circuit court of jurisdiction of the case upon remand to the [Workers’ Compensation] Commission.’ ” That concession is correct. On January 20, 2021, when the circuit court reversed the Commission’s decision and remanded the case to the Commission with directions to make further findings, the court thereby exhausted its special statutory jurisdiction. See *id.* To have the court review the decision the Commission issued on remand, the school would have had to bring an action for judicial review within 20 days by following the steps in section 19(f). If the court had granted the school’s “Motion to Return Case to Docket for Final Adjudication on Judicial Review,” the ruling would have been void. See *id.*

