



## About the Illinois Workers' Compensation Commission

The Illinois Workers' Compensation Commission (IWCC) operates the administrative court system for disputed workers' compensation cases in Illinois. In recent years, there have been approximately 40,000 claims filed with IWCC for financial compensation each year, but the number of claims filed through IWCC has steadily declined from a high of 64,605 in the year 2000. Unlike single carrier states with a centralized reporting system (e.g. Washington), in Illinois the IWCC only handles claims in which the employee and employer are unable to resolve compensation issues for an injury without administrative intervention. Any aspect paid for prior to initiating a claim through the IWCC that is not disputed by either party is not litigated through IWCC or reported in their case management dataset. An arbitrator initially hears a workers' compensation claim. The arbitrator's decision can subsequently be appealed before a panel of three commissioners.

### Who does the law cover?

Employees whose: employment results in **Injury** within IL *OR* work is principally **localized** within IL *OR* **contract of hire** was made in IL



### What is the process that we as an organization can follow when we find a company that does not have insured workers and what would be the consequences for workers and for companies?

If a company has one or more employees, even part-time employees, they **MUST** have insurance coverage. You can determine if an employer has workers' compensation coverage by searching [online](#) or call 312-814-6611



If the company is in the construction business, trucking business operating at a construction site, or other extra hazardous occupations, they generally must obtain insurance even if they are not located in Illinois.

Also, a recent decision by the Illinois Supreme Court, *Roberson v. Industrial Commission*, states that referring to a trucker as an independent contractor, even in a written lease agreement, does not remove the trucking company's obligation to provide workers' compensation insurance for those drivers.

If the employer does not have insurance you can contact Robert Ruiz, Manager of Insurance Compliance at 312-814-5654, or to talk to someone in Spanish, you can call 312-814-6611 (línea gratuita solo dentro de Illinois: 866-352-3033)



# What are the steps that are followed in a demand process in the IWCC?



**1:** Report your injury to your employer. Employers are required to report your injury to the IWCC if it involved more than three lost workdays. If it did not involve three or more days of lost work, you can still file a claim with the IWCC for medical costs and other costs not related to lost wages or lost workdays.



**2:** Try to resolve the dispute with the company and workers' compensation insurance company or the company that was hired to administer your employer's insurance coverage. If you are not satisfied with the resolution, then you can file a claim through the IWCC.



**3:** Register your claim with IWCC via <https://www2.illinois.gov/sites/iwcc/resources/Pages/Request-for-Attorney-Code-Number.aspx>. You are **ALLOWED** to represent yourself. This is called Pro Se. You do not have to hire a lawyer. If you are unsure if the claim has been registered, contact Greg Ettlting at 312.814.6639 or send an inquiry to [wcc.Enotices@illinois.gov](mailto:wcc.Enotices@illinois.gov).



**4:** Submit evidence. You can submit paper, electronic and video evidence to the commission



**5:** Select an arbitrator and request a hearing. The assigned hearing site will be the location nearest the site of the location of injury/illness (typically the employer worksite). If the accident occurred out of state, then a hearing site closest to the worker's home will be assigned. If the worker lives outside of Illinois, a hearing site that is most convenient to both the employee and employer will be assigned.



**6:** Submit required forms, designate your attorney representative (if you have one) and attend the hearing with the arbitrator. You may also request **voluntary binding arbitration**. If you choose this option, (1) you can only select from five arbitrators and (2) the decision is binding so you can not appeal it. You can search for the status and results of your case online at <https://neonwebk.cmc.state.il.us/iic/icdw>. You will need your case number to find the status.



**7:** If you are unsatisfied with the arbitrator's decision, you must request that IWCC provide you the full transcripts and submitted evidence. You must pay a fee for the transcripts. If you are satisfied with the decision, you must submit a settlement contract signed by both parties.



**8:** Submit a form (IC11) to request that the arbitrator's decision be reviewed



**9:** If a decision to review the arbitrator's decision is granted, then you will arrange a meeting before three commissioners (judges). Only <20% of appeals result in an increase in the total settlement amount.



**10:** If you continue to be dissatisfied with the commissioner's ruling, you can choose to appeal the decision to the Illinois Circuit Court, then the Appellate Court and finally the Supreme Court.

## What if you have proof that the employer lied about the evidence?

You must provide enough specific information, including your name and contact information, to cause the unit to open an investigation. Anyone who intentionally makes a false report is guilty of a Class A misdemeanor, punishable by up to 12 months imprisonment and a \$2,500 fine. If you are an employee working for a private company, you should contact the fraud department at IWCC

Illinois Department of Insurance  
Workers' Compensation Fraud Unit  
William Blumthal, Supervisor  
[DOI.WorkCompFraud@illinois.gov](mailto:DOI.WorkCompFraud@illinois.gov)

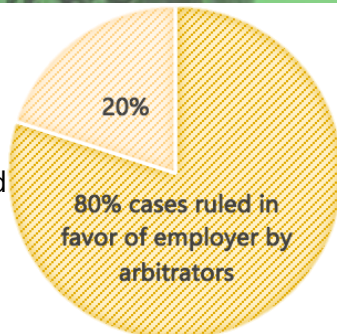
toll-free 877-923-8648  
122 S. Michigan Ave FL 19  
Chicago, IL 60603-6137

If you are an employee working for a State of Illinois employer, you should contact the State's risk management firm, TriStar, at 855-495-1550.





**Appeals** are not as successful as general arbitrated decisions. Generally, arbitrators rule in favor of the employee 80%+ of cases. However, the commissioners expand settlement amounts in less than 20% of appealed cases.



## Fast Facts and FAQs

The IWCC will provide an **interpreter** if the worker does not have an interpreter or a lawyer

Every **State** has a **different** process

Characteristics of workers who file disputed claims

- **males** (70.4%)
- **40.3 yrs.** old on average
- have at least **1 dependent**
- **81.8%** use attorney representation

## Average Weekly Benefits

deaths, amputation / loss of an eye- ranges from \$555 to \$1480

for all other injuries - ranges from \$220 to \$790

TTD (wages for lost workdays) –ranges from \$220 to \$1480

## Undocumented Workers

Undocumented workers are entitled to compensation for all medical costs the result from a workplace injury or illness, or exacerbation of an injury/illness. They may also be entitled to lost wages and permanent partial disability. However, the court will take into consideration if documents were falsified by the employee regarding legality of employment or residence in the U.S.

## What are the Typical Decisions Made Through IWCC?

**281**: avg # of days from accident to filing date

**819**: avg # of days from accident to final decision date

**90-95%** of workers filing claims through IWCC receive some form of monetary compensation

Those who hired an attorney received an average payout of **\$1700 more**