



Workers' Compensation Report

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Idiopathic Falls: Refuting Evidence of “Significant Contribution” Evidence

Idiopathic Falls: The Law

Under the Illinois Workers' Compensation Act (“the Act”), “[a]n idiopathic fall originates from an internal and personal condition of the employee.” *City of Bridgeport v. Illinois Worker’s Comp. Comm’n*, 2015 IL App (5th) 140532WC, ¶ 42. Idiopathic falls are only compensable under the Act when “the employment significantly contributed to the injury by placing the employee in a position increasing the dangerous effects of the fall.” *Elliot v. Indus. Comm’n of Illinois*, 153 Ill. App. 3d 238, 244 (1st Dist. 1987) (emphasis added). A recent Rule 23 order issued by the Illinois Appellate Court in *Chicago Board of Education v. IWCC*, 2023 IL App (1st) 220341WC-U, addressed the issue of refuting evidence that may otherwise be sufficient to establish an employer’s “significant contribution” in an idiopathic fall case.

Background

In *Chicago Board of Education v. IWCC*, the petitioner, Lisa Eskridge, fell down a set of stairs at her workplace in January 2011, injuring her knees, lower back, head, left elbow, and right pointer finger. 2023 IL App (1st) 220341WC-U, ¶ 3. Petitioner was a school teacher employed by the respondent, who required petitioner to clock in and out of work by utilizing an employee time clock located on the second floor of one of the buildings. *Id.* at ¶ 5. Petitioner testified that she felt fine prior to her fall and that she had just clocked out of work using the time clock on the second floor. *Id.* at ¶ 6. As to the stairs to the second floor, petitioner testified that the stairs were in poor repair, lacked any metal or treading material, and were often covered in snow and ice tracked inside. *Id.* at ¶¶ 6-7. Petitioner fell down this flight of stairs, losing consciousness during the fall. *Id.* at ¶ 6. Upon regaining consciousness, the petitioner was at the bottom of the stairs and her coat was wet. *Id.* Petitioner’s coworker, Michelle Mosley, similarly testified that: (1) all employees were required to clock in and out at the time clock on the second floor; (2) that the stairs in question needed repair; (3) that these stairs were wet from snow and ice; and (4) that petitioner’s clothing was wet following her fall. *Id.* at ¶ 9.

On cross examination, the respondent referenced the petitioner’s medical records from immediately following the fall. *Id.* at ¶ 7. These records, respondent claimed, showed that the petitioner had a fainting episode that led to her fall and, therefore, the fall was idiopathic. *Id.* As a result, the petitioner’s claim was not compensable under the Act. *Id.* Petitioner denied that she had passed out or was lightheaded preceding her fall, and she denied the accuracy of the treatment notes claiming the fall was due to her fainting. *Id.*

The arbitrator found that the petitioner had not established accidental injuries arising out of her employment and awarded the employer credits for benefits and medical bills paid. *Id.* at ¶ 11. Petitioner appealed, and the Illinois Workers’ Compensation Commission reversed the arbitrator’s decision after adopting the findings of fact. *Id.* at ¶ 12. The



Commission found that the petitioner had produced evidence to satisfy the “significant contribution” test for idiopathic falls. *Id.* The circuit court affirmed the Commission’s decision. *Id.* at ¶ 13. The appellate court disagreed with the reasoning of the Commission, but affirmed the Commission’s decision. *Id.* at ¶ 16. While the Commission found the disrepair of the stairs caused the petitioner’s fall, the appellate court held that the petitioner’s fall occurred because of the wet condition of the stairs at the time of the fall. *Id.*

Appellate Court Confirms Commission Decision but on Different Grounds

The appellate court determined that the petitioner’s fall occurred within the scope of her employment, as she had just clocked out as required by respondent. *Id.* at ¶ 17. The court also found that the petitioner’s testimony and that of her coworker, which was unrefuted by respondent, established that the floor and stairs leading to the second floor were wet because of the snow tracked from outside. *Id.*

Takeaways

This case demonstrates the importance of refuting a petitioner’s testimony where the defense position asserts an idiopathic fall. The focus at the Commission and lower courts was on developing the *nature* of petitioner’s fall. Respondent successfully established that petitioner fell due to an idiopathic issue. However, that is not the entire story needed to refute compensability. As this case shows, idiopathic falls may indeed still be compensable if the employment *significantly contributed* to the injury by placing the employee in a position of injury due to the conditions surrounding the fall. In *Chicago Board of Education*, the Commission found the disrepair of the stairs significantly contributed to the injury and the appellate court held the wet condition of the stairs increased the petitioner’s risk of injury. It is not enough to prove that a petitioner suffered an idiopathic fall. One must also prove that nothing about the petitioner’s employment increased the risk for dangerous effects from any fall.

About the Author

Bruce L. Bonds is a shareholder in *Heyl, Royster, Voelker & Allen, P.C.*’s Champaign office and is the past Chair of the firm’s state-wide workers’ compensation practice. Mr. Bonds concentrates his practice in the areas of workers’ compensation and third-party defense of employers. He is an Adjunct Professor of Law at the University of Illinois College of Law where he has taught workers’ compensation law to upper level and graduate students since 1998. Mr. Bonds co-authored a book with Kevin Luther of the firm’s Rockford office, entitled *Illinois Workers’ Compensation Law 2020-2021*, which is published by Tomson Reuters. The book provides a comprehensive up-to-date assessment of workers’ compensation law in Illinois. Mr. Bonds has been named to the Illinois Super Lawyers List for many years. He is a Leading Lawyer in Illinois, a Fellow in the College of Workers’ Compensation Lawyers, and was named as one of the “50 Most Influential People in Workers’ Compensation” by SEAK, Inc. in 2014.

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