

## **IMPORTANT: IL Supreme Court Ruling - Activity That is Considered a Work Related Accident**

### **Worker's Compensation Claims Update**

Provided by the ICT/IRMS Worker's Compensation Claims Department  
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The following information is being forward to you on behalf of the Worker's Compensation Claims Department of IRMS/ICT. This update was selected to assist with updated claims decisions rendered by the Worker's Compensation Commission of the State of Illinois and only applies to claims decisions made in the State of Illinois.

Kevin McAllister was a chef at a Chicago restaurant in 2014. One day, while looking for a pan of carrots from a walk-in cooler, he heard a pop in his right knee as he rose from a squatted position. Note that McAllister didn't have anything in his hands when he squatted down and back up, and the floor was not defective in any way.

#### **Was McAllister's injury work-related? Could he receive compensation from his employer?**

Just last month, the Illinois Supreme Court ruled that McAllister's injury was both work-related and compensable. The ruling has implications for all employers, as it establishes that certain "common bodily movements" can be considered employment risks when an employee performs acts that he or she:

- Was instructed to perform by his or her employer;
- Had a common law or statutory duty to perform; or
- Might reasonably be expected to perform incident to his/her assigned duties.

In *McAllister*, the Supreme Court [ruled](#) that "common bodily movements"—bending, twisting, reaching and standing up from a kneeling position—cannot be considered a neutral risk of injury if the employee is engaged in one of the employment risk situations noted above.

#### **What does this mean for healthcare?**

Clinicians' routine job activities could put employers at risk for claims. There are still outstanding questions to address: Did the work event really cause the injury? Or was the injury already present and the bodily movement simply demonstrated through pain that the injury already existed?

If you have questions regarding this article please contact IRMS/ICT Vice President, Mike Baiardo at 630-276-5602.