ILLINOIS WORKERS' COMPENSATION COMMISSION

DECISION SIGNATURE PAGE

Case Number	22WC009413
Case Name	Daniel Ramirez v. Mighty Movers, Inc. & National Van Lines, Inc.
Consolidated Cases	
Proceeding Type	Remand
Decision Type	Corrected Commission Decision
Commission Decision Number	26IWCC0087
Number of Pages of Decision	6
Decision Issued By	Carolyn Doherty, Commissioner

Petitioner Attorney	Randall Manoyan
Respondent Attorney	Peter Havighorst

DATE FILED: 3/25/2026

/s/Carolyn Doherty, Commissioner

Signature

STATE OF ILLINOIS)	☐ Affirm and adopt (no changes)	☐ Injured Workers' Benefit Fund (§4(d))
)SS.	☐ Affirm with changes	☐ Rate Adjustment Fund (§8(g))
COUNTY OF COOK)	☐ Reverse	☐ Second Injury Fund (§8(e)18)
)	☐ Modify	☐ PTD/Fatal denied.
	☒ ON REMAND FROM APPELLATE COURT	☒ None of the above

BEFORE THE ILLINOIS WORKERS' COMPENSATION COMMISSION

DANIEL RAMIREZ,

Petitioner,

vs. NO: 22 WC 09413
25 IWCC 0485

MIGHTY MOVERS, INC. and
NATIONAL VAN LINES, INC.,

Respondents.

CORRECTED DECISION AND OPINION ON REMAND

This matter comes before the Commission on remand from the Illinois Appellate Court. In accordance with the opinion of the Appellate Court filed on October 3, 2025, the Commission on remand considers the issues of (1) average weekly wage (hereinafter "AWW") and temporary total disability (hereinafter "TTD") benefits and (2) penalties and fees pursuant to Sections 16, 19(l) and 19(k) of the Illinois Workers' Compensation Act. The Commission further remands this case to the Arbitrator for further proceedings for a determination of a further amount of temporary total compensation or of compensation for permanent disability, if any, pursuant to Thomas v. Industrial Commission, 78 Ill. 2d 327, 399 N.E.2d 1322, 35 Ill. Dec. 794 (1980).

Per Order of the Circuit Court dated March 12, 2026, the Commission writes further to solely correct a clerical error regarding the Section 19(k) penalties that were reinstated in the Decision and Opinion on Remand issued on December 3, 2025.

I. PROCEDURAL BACKGROUND

Petitioner's claim was the subject of arbitration hearings held on February 3, 2023 and April 3, 2023. In a decision filed on July 12, 2023, the arbitrator found Petitioner had met his burden of proving he suffered an accident on March 24, 2022 that arose out of and in the course and scope of his employment and that the right ankle fracture was causally related to that work accident. The Arbitrator determined that Petitioner's AWW was $412.50 and calculated the TTD rate to be $275.00. As such, the Petitioner was awarded TTD benefits, unpaid medical bills, prospective medical treatment, and penalties and fees pursuant to Sections 19(k), 19(l) and 16. The Arbitrator's award of TTD and penalties was calculated using the AWW of $412.50 and the TTD rate of $275.00.

Both Petitioner and Respondent sought a review by the Commission, which issued a Decision and Opinion on Review on February 5, 2024, wherein the Commission modified the Arbitrator's award. The Commission concluded the proper AWW was $341.92, which resulted in a statutory minimum TTD rate of $320.00. Accordingly, the Commission modified the TTD award based on the statutory minimum rate. The Commission also vacated the award of penalties and fees pursuant to Sections 19(k), 19(1) and 16.

Petitioner then sought judicial review of the Commission's decision before the Circuit Court of Cook County. The circuit court confirmed the Commission's decision. Petitioner then appealed.

On October 3, 2025, the Illinois Appellate Court filed an opinion reversing the judgment of the circuit court, setting aside the Commission's decision, and remanding this matter to the Commission with directions that the Commission (1) "reevaluate" AWW and TTD benefits without consideration of the payroll records contained in RX 2 and (2) "reinstate" the arbitrator's award of penalties and fees under Sections 16, 19(k) and 19(l). Ramirez v. Illinois Workers' Compensation Comm'n, 2025 IL App (1st) 242467WC.

II. FINDINGS OF FACT

The Commission hereby incorporates by reference the "Findings of Facts" and findings included in the "Conclusions of Law" contained in the Arbitrator's Decisions filed on July 12, 2023, attached hereto and made a part hereof, to the extent they do not conflict with the Illinois Appellate Court opinion filed on August 11, 2023. The Commission also incorporates by reference the August 11, 2023 Illinois Appellate Court opinion, which delineates the relevant facts of the case and the court's analysis of the issues of the AWW and TTD and penalties and fees, attached hereto and made a part hereof. Any additional findings of fact in this Decision and Order on Remand will be specifically identified in the discussion below.

III. CONCLUSIONS OF LAW

In an effort to comply with the opinion of the Appellate Court on remand, the Commission is charged with following the court's order. *See* Noonan *v. Illinois Workers' Compensation* Comm'n, 2016 IL App (1st) 152300WC, ¶ 11. The Commission initially observes that a reviewing court's mandate vests a lower court with jurisdiction only to take action that complies with the reviewing court's mandate. *See* Fleming v. Moswin, 2012 IL App (1st) 103475-B, ¶ 28. On remand, the Commission lacks the authority to exceed the scope of the mandate and must follow the court's precise and unambiguous directions. *Id.* If the direction is to proceed in conformity with the opinion, then, of course, the content of the opinion is significant. *Id.*

Accordingly, the Commission will now (1) "reevaluate" AWW and TTD benefits and (2) "reinstate" penalties and fees pursuant to Sections 16, 19(l) and 19(k) of the Illinois Workers' Compensation Act, as ordered by the Appellate Court in its opinion filed on October 3, 2025.

A. Average Weekly Wage and TTD Benefits

1. Average Weekly Wage

The Commission acknowledges the Appellate Court's order to "reevaluate AWW and TTD benefits without consideration of the payroll records contained in RX 2." Accordingly, the Commission turns to other wage evidence properly admitted into the trial records, specifically Petitioner's testimony and Petitioner's Exhibit 14 (hereinafter "PX 14"), in order to comply with the Appellate Court's mandate.

Petitioner testified that he started working with Mighty Movers at the beginning of March of 2022, noting he had worked a few "unofficial days" at the end of February. Petitioner stated from the beginning of March until the date of the accident on March 24, 2022, he worked more than 40 hours per week, but none of it was ever recorded. He did not "clock-in," but rather it was an informal process of texting scheduled hours. Petitioner testified that he worked anywhere from 8 to 12 hours per day, noting "that's just how moves work." He testified that he was paid $21.00 per hour and was paid via direct deposit. He explained that Mighty Movers' bank, Wells Fargo would deposit the money directly into his account. Petitioner testified that prior to the work accident on March 24, 2022, Petitioner received three direct deposits from Mighty Movers. Petitioner explained he "wasn't paid for his hours completely," but he was still in the field working and happy to be working at that time. Petitioner testified he was underpaid, working a 70-hour work week and not even receiving half of what he worked for. However, Petitioner admitted that he did not reach out to his supervisor for an explanation for the underpayment because he was too busy working. (T. 29-36).

Pursuant to the instructions of the Appellate Court, the Commission cannot consider the payroll records in RX 2. However, regarding PX 14, the Commission notes it was offered into evidence by Petitioner and admitted into evidence by the Arbitrator without objection from Respondent. The Commission observes that PX 14 consists of two screenshots showing a direct deposit from Mighty Movers on March 17, 2022 in the amount of $650.03 and March 31, 2022 in the amount of $323.24. PX 14 also contains a banking statement for the period of April 1, 2022 through April 30, 2022 showing a direct deposit on April 1, 2022 in the amount of $323.24 and a banking statement for the period of March 1, 2022 through March 31, 2022 showing a direct deposit on March 18, 2022 in the amount of $650.03. (PX 14/T. 532-540).

In reevaluating AWW, the Commission notes Petitioner's testimony that he was paid $21.00 per hour while working more than 40 hours per week is contradicted by the evidence contained in PX 14. Likewise, the AWW of $840.00 claimed by Petitioner on AX 1, the Request for Hearing Form is also contradicted by the evidence contained in PX 14. His claim that he received three direct deposits before the work accident is also contradicted by PX 14. Given the contradictions, the Commission gives more weight to PX 14, as the best evidence of Petitioner's earnings while working for Respondent. PX 14 shows two direct deposits from Respondent to Petitioner. The first deposit on March 17, 2022 (screenshot) or March 18, 2022 (bank statement) was in the amount of $650.03 and the second deposit on March 31, 2022 (screenshot) or April 1, 2022 (bank statement) was in the amount of $323.24. The direct deposits for the period of March 1, 2022 through April 1, 2022 total $973.27. Further, the Commission notes Petitioner's testimony that he started working with Mighty Movers at the beginning of March is unrebutted. Accordingly, the Commission finds that Petitioner's period of employment from March 1, 2022 through the date of the accident on March 24, 2022 to be 24 days or 3-3/7ths weeks. Petitioner's total earnings of $973.27 divided by 3-3/7ths weeks results in an average weekly wage of $283.75.

Nevertheless, the Commission remains unable to utilize the reevaluated Commission calculated average weekly wage of $283.75 because the Commission is bound by the *Walker* case. *See* Walker v. Industrial Comm'n, 345 Ill.App.3d 1084 at 1088 (4th Dist. 2004) (holding it has been held that the language of section 7030.40, now 9030.40, provides that the request for hearing is binding on the parties as to the claims made therein). Therefore, the Commission again finds that the AWW is $412.50 pursuant *Walker* as to the stipulated AWW on the request for hearing form. *See* AX 1.

2. TTD Rate and Award

After reevaluating and concluding the AWW is $412.50, the Commission now reevaluates the TTD rate and TTD award. The Commission notes that TTD benefits are owed from March 25, 2022 through April 3, 2023, representing 53-4/7 or 53.571 weeks. The Commission observes Petitioner is single, with no dependents. The Commission also observes that the statute provides that the applicable minimum TTD rate for a March 24, 2022 date of accident is $320.00. The Commission finds that 2/3 of $412.50 is $275.00, which is less than the applicable statutory minimum TTD rate of $320.00. Therefore, the proper TTD rate is the statutory minimum of $320.00, as was ordered in the Commission's Decision dated February 5, 2024.

Here, TTD benefits were owed from March 25, 2022 through April 3, 2023, representing 53 4/7 or 53.571 weeks. However, the Commission notes that the Arbitrator used the TTD rate of $275.00, which is below the minimum rate, to calculate the TTD award. Pursuant to the Appellate Court order, the Commission reevaluates the TTD benefits as follows: the minimum TTD rate of $320.00 x 53.571 weeks, results in a total of $17,142.72 TTD benefits. The Commission further notes that the Request for Hearing form, AX 1 indicates the parties stipulated that Respondent is entitled to a TTD credit of $12,646.07 for benefits paid. Therefore, after application of the stipulated TTD credit, the Commission awards $4,496.65 in TTD benefits. The Commission observes this reevaluation of AWW and TTD issues results in rates consistent with our prior Decision.

B. Penalties and Fees

The Commission observes on remand, that after reevaluating the AWW and TTD issues pursuant to the Appellate Court's instructions, the Arbitrator's award of penalties and fees is inaccurate because the Arbitrator used a TTD rate of $275.00 when calculating Section 16 fees and Section 19(k) penalties. On remand, the Commission acknowledges that Section 16 and Section 19(k) penalties should be reevaluated using the minimum TTD rate of $320.00, as discussed above, which would result in penalty amounts different from those awarded by the Arbitrator.

Nevertheless, the Commission was instructed to reinstate rather than reevaluate the Arbitrator's award of penalties and fees on remand. Therefore, the Commission reinstates the Arbitrator's award of Section 16 fees in the amount of $3,975.60, the award of Section 19(l) penalties in the amount of $10,000.00, and the award of Section 19(k) penalties in the amount of $19,878.00.

In all other respects, the Commission affirms and adopts the Appellate Court Order on Remand.

IT IS THEREFORE FOUND BY THE COMMISSION that the Petitioner's average weekly wage is $412.50.

IT IS THEREFORE ORDERED BY THE COMMISSION Petitioner's TTD rate is the statutory minimum rate of $320.00. .

IT IS THEREFORE ORDERED BY THE COMMISSION that Respondent shall pay to Petitioner the sum of $320.00 per week for the period of March 25, 2022 through April 3, 2023, a period of 53-4/7ths weeks, for temporary total disability benefits under Section 8(b) of the Act.

IT IS THEREFORE ORDERED BY THE COMMISSION that Respondent, shall pay Section 16 fees in the amount of $3,975.60, Section 19(l) penalties in the amount of $10,000.00, and Section 19(k) penalties in the amount of $19,878.00.

IT IS FURTHER ORDERED BY THE COMMISSION that the Respondent shall have credit for all amounts paid, including but not limited to $12,646.07 for TTD benefits paid, to or on behalf of the Petitioner on account of said accidental injury.

IT IS FURTHER ORDERED BY THE COMMISSION that the Respondent pay to Petitioner interest under §19(n) of the Act, if any.

IT IS FURTHER ORDERED BY THE COMMISSION that this case is remanded to the Arbitrator for further proceedings for a determination of a further amount of temporary total compensation or of compensation for permanent disability, if any, pursuant to Thomas v. Industrial Commission, 78 Ill. 2d 327, 399 N.E.2d 1322, 35 Ill. Dec. 794 (1980).

March 25, 2026
d: 03/24/26
CMD/jjm
045

/s/ *Carolyn M. Doherty*
Carolyn M. Doherty

/s/ *Raychel A. Wesley*
Raychel A. Wesley

/s/ *Frank J. Soto*
Frank J. Soto