



Filing A Workers' Compensation Case Without an Attorney:

A Guide for the Pro Se Litigant



Key Definitions

Illinois Workers' Compensation Commission (IWCC): The state agency that resolves disputes between injured workers and their employers regarding workers' compensation benefits.

CompFile: The IWCC's electronic filing system for workers' compensation cases.

Application for Adjustment of Claim: The form an injured employee files to open a case with the IWCC.

Arbitrator: The IWCC employee who serves as the first-level hearing officer on a case. The IWCC has Arbitrators located throughout Illinois to provide the best service possible.

Commissioner: The IWCC employee who serves as the review-level hearing officer on a case.

Ex Parte Communication: A communication that occurs when one of the parties to a case exchanges information with the assigned Arbitrator or Commissioner (1) without the opposing party being present or (2) without the knowledge and consent of the opposing party. The term "ex parte" is simply a Latin phrase that means "from one party."

Maximum Medical Improvement (MMI): The point at which an employee has finished healing from an injury and has become medically stationary.

Pro Se: An individual who chooses to represent himself or herself without the assistance of an attorney. The term "pro se" is simply a Latin phrase that means "for yourself."



Key Definitions continued

Permanent Partial Disability (PPD): The complete or partial loss of a part of the body; or the complete or partial loss of use of a part of the body; or the partial loss of use of the body as a whole.

Settlement: A contract between the employee and the employer to close a case in exchange for an agreed-upon amount of money. All settlement contracts must be presented to the IWCC for review and approval.

Status Call: A scheduled court date that occurs every three months at which the parties may appear before an Arbitrator and request a hearing date. If no hearing date is requested, the case is continued (rescheduled for another status call) for another three months.

Temporary Total Disability (TTD): The period in which an injured worker is either temporarily unable to return to any work (as indicated by his or her doctor) or is released to do light-duty work but whose employer is unable to accommodate him or her.



I was injured at work. What do I need to do?

- ❖ Notify your employer about your injury.
- ❖ Provide your employer with the approximate date and location of the accident. Notice of the accident may be given orally or in writing (or both).
- ❖ Stay in communication with your employer to update it on your condition.

If you are hospitalized or physically unable to return to work due to this injury, you may be entitled to workers' compensation benefits. Please note, a delay in notifying your employer about the injury can delay the payment of benefits.



Do I have to hire an attorney to file a case?

No, you are **not** required to hire an attorney to file a workers' compensation case with the IWCC. Please consider, however, the following issues before proceeding as a pro se litigant.

- ❖ The IWCC **cannot** provide legal advice.
- ❖ Effective April 21, 2021, litigants must electronically file all cases and documents in CompFile, the IWCC's electronic filing and case management system for workers' compensation cases.
- ❖ The IWCC does not charge a fee to file a case. You must, however, have an e-mail address to become a registered user in CompFile.



I am going to represent myself (Pro Se)

If you decide to represent yourself and do not hire an attorney, you will need to become familiar with both the procedural rules and substantive law that apply to your case. Please refer to the [Workers' Compensation Act](#) and the [Rules Governing Practice Before the Commission](#) for more information.

If you are representing yourself, please know that you will be held to the same standard as an attorney. Ultimately, it is your responsibility to . . .

- ❖ Properly file all necessary forms and documents,
- ❖ Keep track of your case,
- ❖ Appear at status calls and hearings when necessary, and
- ❖ Present evidence at hearings that prove your eligibility for workers' compensation benefits.



Is it possible to speak directly to an Arbitrator about my case?

Do not speak directly to the Arbitrator about your case outside of a status call or hearing. As a party appearing pro se, you are prohibited from all private (also called ex parte) communications with the Arbitrator assigned to your case. Ex parte communication occurs when one of the parties exchanges information with the assigned Arbitrator (1) without the opposing party being present or (2) without the knowledge and consent of the opposing party.

Any communication between you and the assigned Arbitrator should be in writing with a copy of the communication sent either to the opposing party or that party's attorney.



Who is my judge/arbitrator?

After you file the Application for Adjustment of Claim, you will receive a Notice of Case Filed that indicates the arbitrator assigned to the case and the date for the initial status call.

After the initial status call, the case will automatically come up for another status call every three months. The IWCC will not send notice of future status call dates. You can obtain future status call dates from CompFile.



How do I request a hearing date?

CompFile has made filing documents with the IWCC much easier and safer. In order to proceed to trial, you must file a Request for Hearing form through CompFile and appear at the status call to request a trial date. At the hearing, you must present evidence on the following issues to prove your eligibility for workers' compensation benefits.

- ❖ Employment: on the date of accident, a relationship of employee and employer existed between the parties.
- ❖ Accident/exposure: you sustained accidental injuries or were exposed to an occupational disease that arose out of/in course of employment.
- ❖ Causal connection: the medical condition was caused by or aggravated by the alleged accident or exposure.
- ❖ Notice: the employer received notice of the accident or exposure within the time limits specified by law.



How can I determine the hearing site to which my case will be assigned?

The IWCC sets cases at the hearing site closest to the location of the accident or last exposure. If the accident or last exposure occurred outside of Illinois, the case shall be set at the hearing site closest to the injured worker's home. If the injured worker lives out of state and the accident occurred outside Illinois, the case shall be set at the site most convenient to the parties.



Is there a quick way to resolve a dispute?

- ❖ Yes, Section 19(b) of the Workers' Compensation Act provides for an expedited hearing to address an employee's entitlement to workers' compensation benefits.
- ❖ You can request an expedited hearing by filing a *Petition for an Immediate Hearing Under Section 19(b)* in CompFile.

Note: An employee may not request an expedited hearing if the employee returned to work and is claiming less than 12 weeks of unpaid temporary total disability benefits as the sole issue for determination.



Is there a time limit to file a case?

- ❖ Yes, an injured employee must file a case within a specific time limit to preserve his or her right to claim future benefits.
- ❖ In most cases, the employee must file a case within three years after an injury, death, or disablement from an occupational disease or within two years of the last payment of temporary total disability benefits or medical benefits, whichever is later.

Note: Some cases involving specific diseases or death of an employee may have different time limits. If you do not hire an attorney, please refer to the [Workers' Compensation Act](#) and the [Rules Governing Practice Before the Commission](#) for more information. Please remember that the IWCC cannot provide legal advice.



What is the expected timeline for resolving a case?

- ❖ Except for expedited hearings, an arbitrator **cannot** resolve a case until the injured employee has reached maximum medical improvement.
- ❖ Once the employee has healed to the extent possible, the parties need to prepare the case for hearing by obtaining medical records, depositions of medical experts, and other paperwork. By the time everything is ready for a hearing, it is not uncommon for one to two years to have elapsed since the filing of the case with the IWCC.
- ❖ Every three months, the case will automatically be set for a status call. At the call, the parties may request a hearing. If neither party requests a hearing, the case is continued for three months. This continues for three years. For the first three years after a case is filed, it is the parties' responsibility to move the case forward. After three years, the arbitrator may dismiss the case at the status call unless the parties show there is good reason to continue it.



I already have an active case. How do I get access to my case in CompFile?

- ❖ Have a valid e-mail address. You need an e-mail address to become a registered user in CompFile.
- ❖ Complete the Appearance of Representative – Pro Se form and submit it to the IWCC in one of two ways.
 - USPS/Mail: If you mail the form to the IWCC, you must have it notarized. Upon receipt of the notarized form, the IWCC shall confirm the case, create your user account in CompFile, and send you an e-mail to verify your e-mail address.
 - In Person: If you deliver the form in person, you must present an ID to the IWCC staff so that they can validate your identity before creating your user account and sending you an e-mail to verify your e-mail address.
- ❖ Locate the verification e-mail and follow the instructions in the e-mail to complete your CompFile registration. You can then access the CompFile homepage and click the “Cases” button to see your case.



CompFile and Contact Information

- ❖ You can access the CompFile website at <https://iwcc.dynamics365portals.us/>.
- ❖ You can learn more about CompFile and review user manuals, frequently asked questions, and instructional videos on the CompFile Implementation page at www.iwcc.il.gov/compfile.
- ❖ The IWCC is always available to assist you with any questions. In CompFile, you can click the “Submit Feedback” button and notify the IWCC of any problems that you experience while using CompFile.
- ❖ You can also write or call the IWCC using the below contact information.
 - Email: wcc.compfile@illinois.gov
 - Phone:
 - 1-866-352-3033 (Toll-free within Illinois Only)
 - 1-312-814-6611 (Chicago)
 - 1-217-785-7087 (Springfield)
 - 1-618-346-3484 (Collinsville)
 - 1-309-671-3019 (Peoria)
 - 1-815-987-7292 (Rockford)