NOTICE: This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

2026 IL App (5th) 260061WC-U

Order filed October 5, 2026

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

WORKERS' COMPENSATION COMMISSION DIVISION

ICE CREAM SPECIALTIES, INC.,	)	Appeal from the Circuit Court
	)	of the Twentieth Judicial Circuit,
	)	St. Clair County, Illinois.
Appellant,	)	
	)	
v.	)	Appeal No. 5-26-0061WC
	)	Circuit No. 25 MR 208
	)	
ILLINOIS WORKERS' COMPENSATION COMMISSION, *et al.*, (Shawn Anderson, Appellees).	)	Honorable Stacy Campbell, Judge, Presiding.

PRESIDING JUSTICE HOLDRIDGE delivered the judgment of the court.
Justices Rochford, Mullen, Cavanagh, and Barberis concurred in the judgment.

ORDER

¶ 1 Held: (1) The Commission's finding that the claimant proved that his work injury arose out of and in the course of his employment notwithstanding his alleged violation of the employer's safety rules was not against the manifest weight of the evidence; (2) the Commission's award of 18 weeks of temporary total disability was not against the manifest weight of the evidence; (3) the Commission's award of permanent partial disability in the amount of 25% loss of use of the claimant's left foot was not against the manifest weight of the evidence; and (4) the Commission's award of medical expenses was not against the manifest weight of the evidence.

¶ 2 The claimant, Shawn Anderson, filed an application for adjustment of claim under the Illinois Workers' Compensation Act (Act) (820 ILCS 305/1 *et seq.* (West 2022)), seeking benefits for injuries to his left foot that he sustained on October 3, 2022, while he was employed by respondent Ice Cream Specialties, Inc. (employer). Following a hearing, an arbitrator found that the claimant had sustained an accidental injury arising out of and in the course of his employment and that his current condition of ill-being was causally related to the work accident. The arbitrator awarded temporary total disability benefits (TTD) under section 8(b) of the Act (820 ILCS 305/8(b) (West 2022)), and medical expenses under section 8(a) of the Act (820 ILCS 305/8(a) (West 2022)). The arbitrator further found that the claimant had sustained a 25% loss of use of his left foot as a result of the accident, and awarded the claimant permanent partial disability (PPD) benefits pursuant to section 8(e)(11) of the Act (820 ILCS 305/8(e)(11) (West 2022)).

¶ 3 The employer appealed the arbitrator's decision to the Illinois Workers' Compensation Commission (the Commission). The employer argued that the claimant had failed to prove that his injury arose out of and in the course of his employment because his knowing violation of the employer's safety rules regarding proper footwear, undertaken solely for his personal convenience, removed him from the sphere of his employment. In the alternative, the employer challenged the amount of TTD and PPD benefits awarded by the arbitrator.

¶ 4 The Commission modified and supplemented the arbitrator's analysis, reduced the arbitrator's award of TTD, corrected a few clerical errors made by the arbitrator, and otherwise affirmed and adopted the arbitrator's decision.

¶ 5 Commissioner Doerries dissented from the Commission's decision. Commissioner Doerries would have found that the claimant failed to prove that his accident arose out of his

employment because the claimant violated the employer's clear safety rules barring employees from wearing certain types of footwear, admitted that he knew about the rule and had unreasonably disregarded it, and failed to prove that the employer declined to enforce the rules or acquiesced in regular violations of the rules.

¶ 6 The employer appealed the Commission's decision to the circuit court of St. Clair County, which confirmed the Commission's decision.

¶ 7 This appeal followed.

¶ 8 BACKGROUND

¶ 9 The following recitation of facts is drawn from the evidence presented at the arbitration hearing.

¶ 10 A. The Claimant's Accident and Medical Treatment

¶ 11 The employer is in the business of manufacturing ice cream. The claimant began working for the employer in February 2022. He initially worked as a packager, but later worked as a machine operator in the employer's manufacturing plant. In that capacity, he was responsible for ensuring that tanks were filled with liquid ice cream.

¶ 12 On October 3, 2022, the claimant entered the plant through the employee entrance and clocked in. He was wearing "Nike slides," (slides) which are open toed, slip-on sandals. He proceeded to his locker, took his uniform and work boots out of the locker, went to the bathroom, and returned to his locker. At that time, the claimant noticed that his cell phone was about to lose its charge. Rather than change into his work boots, which he later testified took approximately 30 seconds to put on, the claimant walked toward the break room to charge his phone while wearing his slides.

¶ 13 The employer had designated the break room as an area where employees could charge their phones. The only route from the locker room to the break room passed through the plant's production area and then into a hallway that led to the break room. Sanitizing foamers were used in the production area, and the floor was wet at all times. There was a brick sitting above floor level between the production floor and the hallway leading to the break room. When the claimant stepped on the brick, he slipped on soap. He then went forward, which caused his left foot to bend forward, breaking a bone in his foot. When the claimant tried to stand up after the accident, he felt pain in his foot that caused him to buckle. He immediately reported the accident to his employer and sought medical treatment.

¶ 14 The claimant initially went to the emergency room at Belleville Memorial Hospital. He reported experiencing pain on the lateral aspect of his left foot following a fall at work. X-rays of the left foot and ankle showed a mildly displaced transverse fracture of the base of the fifth metatarsal.

¶ 15 On October 6, 2022, the claimant saw Dr. John Harness, a podiatrist. After performing a repeat x-ray, Dr. Harness diagnosed a fracture of the fifth metatarsal of the left foot. He recommended an open reduction and internal fixation, which involved the insertion of a plate and screws across the base of the fifth metatarsal. Dr. Harness performed that procedure on October 14, 2022. Postoperative x-rays showed good alignment of the plate and screws.

¶ 16 The claimant followed up with Dr. Harness over the ensuing months and was continued off work. During a January 18, 2023, visit, x-rays showed the fracture had healed. The office note from that visit stated that the claimant was able to return to work at that time. However, on that same day, Dr. Harness signed another note addressed "to whom it may concern" stating that

the claimant was to remain off work until February 6, 2023. The claimant did not return to Dr. Harness after January 18, 2023.

¶ 17 B. The Claimant's Employment and the Employer's Safety Rules

¶ 18 For the first 60 days of his employment as a machine operator, the claimant was a probationary employee. During that period, the employer supplied the claimant with a uniform, but provided no work footwear. After the probationary period ended, the employer issued the claimant a voucher to obtain rubber slip-on work boots, which the employer required its employees to wear while they were on the production floor. Due to contamination concerns, employees were not allowed to take the work boots home. The claimant stored his boots in his locker at the plant.

¶ 19 On February 24, 2022, the claimant received a handbook containing two sets of the employer's written rules---the "Plant Safety Rules" and the "Rules and Regulations Relating to Employment." Rule 6 of the plant safety rules provided that "footwear must be sturdy in good condition, and with proper tread to reduce slipping hazards," and further stated that the employer would issue a pair of rubber slip-on boots that must be worn and left at the plant. Rule 9 of the rules and regulations relating to employment provided that employees would wear the uniform required by management, that no shorts, tank tops, or halter tops were allowed, and that "[n]o sandals or open toed shoes are allowed." Rules 7 and 8 of that same document addressed personal hygiene in food processing and the wearing of jewelry "while at work." The claimant signed the back page of the handbook indicating that he had read it.

¶ 20 The claimant also completed the employer's training modules, including a "slips, trips and falls" module completed on February 24, 2022. That module advised that fractured bones have resulted from falls, that the shoes an employee wears can be a hazard, that slip hazards may

exist inside a facility, and that employees should wear non-slip shoes to work. The claimant scored 100% on the module.

¶ 21 C. The Claimant's Testimony

¶ 22 The claimant testified that he was aware of the employer's rule prohibiting employees from wearing open-toed shoes at work. However, his understanding was that this rule applied while employees were working on the production floor, not when they first arrived at work or when they were walking to the break room. The claimant stated that he was not aware of any rule prohibiting him from walking to the break room in his slides to charge his phone, and that he did not believe he was violating any plant safety rule or any lesson from his training modules while doing so.

¶ 23 The claimant testified that his understanding of the safety rules stemmed, in part, from actions taken by the employer. He noted that, although the employer gave him a uniform when he began working as a machine operator, the employer did not provide any footwear at that time, or at any time during the 60-day probationary period. During that period, the claimant wore his own gym shoes while on the production floor. He testified that other workers wore similar shoes in the same area. The claimant stated that his supervisor had observed him wearing tennis shoes on the production floor without reprimanding him.

¶ 24 The claimant further testified that, when he asked for and received a voucher to buy work boots from the employer, he was told that employees were not permitted to wear their work boots home due to the risk of contamination. Accordingly, the claimant had to wear his own shoes when entering the plant and walking to his locker.

¶ 25 The claimant further testified that he had worn his slides along the path to the break room before the accident, and he had seen other workers do the same. He stated that he had passed

supervisors and managers while walking the path to the breakroom in slides, including Kyle Suydam, and he had seen coworkers do the same. The claimant testified that, when he did this, he was never reprimanded or written up, and he was never told to stop. The claimant acknowledged that he did not wear his slides while walking to the break room before every shift. He initially estimated that he wore the slides on that route less than 50% of the time. He later stated that it may have been less than 25% of the time.

¶ 26 The claimant further testified that he believed his slides were in good condition and had proper tread. He stated that he could cross the production floor in his slides without slipping, and that he had done so on prior occasions.

¶ 27 On October 3, 2022, after the claimant's work accident, the claimant received a verbal warning for wearing "flip flops" and failing to follow the employer's slip-resistant footwear policy.

¶ 28 On cross-examination, the claimant made a statement that arguably contradicted his prior testimony. The employer's counsel asked the claimant, "you would agree that walking through the production area, which is a wet floor, in your sandals would be unreasonable, correct?" The claimant's counsel immediately objected that counsel's question called for a legal conclusion. A colloquy between the claimant's counsel, the employer's counsel, and the arbitrator ensued, during which the parties and the arbitrator discussed whether the question's reference to reasonableness called for a legal conclusion. After hearing the parties' arguments, the arbitrator told the claimant that he could answer the question "whether you, yourself, believe it was unreasonable for you to walk in that area with those shoes on." The claimant answered, "I did it. Yes."

¶ 29 On redirect, the claimant testified that he believed he was allowed to wear the slides when going to charge his phone and that he thought he could walk across the production floor in his slides without slipping.

¶ 30 On October 7, 2022, four days after the accident, the claimant gave a recorded statement to the adjuster for the employer's third-party administrator. In that statement, the claimant stated that the floors in the area where he fell were always slippery. When asked whether he was supposed to be wearing the slides "in there," the claimant answered, "No."

¶ 31 The claimant testified that he still has the hardware from the surgery in his foot, which he can feel when he walks. He stated that he has daily pain ranging in severity from 2 out of 10 on a good day to 6 out of 10 on a bad day. He further testified that his pain increases if he bumps the foot or if something falls on it, that he experiences a tingling sensation when his shoe rubs against the area, and that he has problems if he stands too long. He introduced bills for medical treatments he had received for his left foot and the associated symptoms.

¶ 32 In late March or early April 2023, the claimant began working for Jost Chemical Company as a packaging operator. He testified on direct examination that he has no problems performing the physical activities of that job because of his left foot, although he takes breaks when his foot pain increases. Jost Chemical's records indicate that the claimant met all the essential function requirements of his job. On cross-examination, the claimant testified that the physical requirements of the Jost Chemical position are roughly the same as those of his former position with the employer, and that he is making the same amount of money or more than he made with the employer.

¶ 33 D. The Testimony of Kyle Suydam

¶ 34 Kyle Suydam testified on behalf of the employer. Suydam had been a production supervisor for nearly four years. He was one of the claimant's supervisors on the day of the accident. Suydam testified that the claimant violated both Rule 6 of the plant safety rules and Rule 9 of the rules and regulations relating to employment by wearing the Nike slide sandals. Suydam wrote the claimant up for violating the rules following the accident. He opined that the claimant would not have slipped had he been wearing the proper slip-resistant footwear that was provided by the employer, and that the claimant's decision to wear slides instead was unnecessary and unreasonable. Suydam further stated that the claimant's actions did not further any business interest of the employer and were undertaken solely for the claimant's own personal convenience.

¶ 35 Suydam testified that, before the claimant's accident, he had never observed the claimant or any other employee wearing sandals or similar footwear through the production area to the break room, and that, had he seen an employee do so, he would have followed the write-up procedure, beginning with a verbal warning. However, on cross-examination, Suydam acknowledged that he was not the claimant's only supervisor and that he did not know whether any of the other supervisors the claimant identified had seen the claimant walking through the production area in slides. Suydam was not aware of the claimant being written up for wearing slides prior to the accident. He acknowledged that there was no signage at the doorways leading into the production area prohibiting or requiring any particular footwear.

¶ 36 E. The Decisions Below

¶ 37 The arbitrator found that the claimant sustained an accident arising out of and in the course of his employment on October 3, 2022, that his current condition of ill-being is causally

related to the accident, and that the medical services the claimant received were reasonable and necessary. The arbitrator awarded medical expenses, TTD benefits from October 3, 2022, through February 6, 2023, and PPD benefits of $469.88 per week for 41.75 weeks, representing a 25% loss of use of the left foot under section 8(e) of the Act.

¶ 38 The arbitrator found the claimant credible based on his demeanor and the consistency of his statements. The arbitrator acknowledged that the claimant appeared to contradict himself on cross-examination by answering "yes" when he was asked whether he believed it was unreasonable to walk into the production area wearing his slides. However, the arbitrator concluded that, when the claimant gave that answer, he was confused by the employer's counsel's objections.

¶ 39 The arbitrator found that the claimant was in the course of his employment when he slipped while walking to the break room to charge his phone before starting his shift. The arbitrator noted that the term "employment" contemplates not only actual work time, but also a reasonable time before the employee commences his work duties. The arbitrator found that the claimant's injury occurred in the course of his employment pursuant to the "personal comfort doctrine." The personal comfort doctrine provides that an employee remains in the course of his employment while performing certain acts relating to his personal comfort, such as eating, seeking relief from heat, or showering in a locker room provided by the employer. The arbitrator found that going to the break room to charge a phone was an act of personal comfort and a common practice that the employer had not prohibited or discouraged.

¶ 40 The arbitrator also found that the claimant's injury "arose out of" his employment because slipping and falling on a wet and soapy floor was a risk distinctly associated with the claimant's employment.

¶ 41 The arbitrator rejected the employer's argument that the claimant's violation of the employer's safety rules took him outside the sphere of his employment. The arbitrator found the employer's footwear rules to be vague. She concluded that, when the employer's rules are read in their entirety, they appear to apply to activities performed while working, not before or after. The arbitrator found it significant that the employees were allowed to wear athletic shoes during their probationary period before being issued boots, and that they were instructed not to wear their work boots while entering and leaving the facility (as they were required to leave the boots at work). The arbitrator noted that there was no evidence presented suggesting that the claimant was expressly forbidden from wearing street shoes in the area in which he fell. Accordingly, the arbitrator found that the claimant did not violate the employer's rules by wearing slides while walking to the break room.

¶ 42 In further support of its finding, the arbitrator found it significant that 1) the only way to enter the break room was to pass through the production area, where the floors were wet and soapy, and 2) there was no warning posted at the entry to the production area stating that only boots or other approved footwear were allowed past that point.

¶ 43 The arbitrator further found that the employer had acquiesced in employees wearing slides to the break room. She noted that the claimant had credibly testified that he and other employees wore slides to work before changing into their boots, and that they did so in front of managers without repercussions. The arbitrator also credited the claimant's testimony that he and other employees made a habit of wearing slides along the path to the break room and were never disciplined for doing so. The arbitrator noted that, although Suydam testified that he never saw others wearing slides prior to the claimant's accident, he admitted that he could not speak for other managers.

¶ 44 Based on these findings, the arbitrator found the claimant's case to be distinguishable from our supreme court's decision in *Saunders v. Industrial Comm'n*, 189 Ill. 2d 623, 628 (2000). In *Saunders*, our supreme court held that the claimant's conscious violation of the employer's safety rule barring "riding double" on a forklift took him outside the scope of his employment, thereby precluding the recovery of benefits. The arbitrator noted that the safety rule at issue in *Saunders* was clear and specific, and was repeatedly communicated to the employees through training sessions and monthly safety contacts. The arbitrator found that the safety rules at issue in this case were vague and general in nature, and were therefore distinguishable from the safety rule in *Saunders*. Unlike the situation in *Saunders*, it is not clear that the claimant's conduct in this case violated the employer's safety rules.

¶ 45 The arbitrator found that there was no evidence that the claimant's injury was due to anything but the October 3, 2022, work accident. Accordingly, the arbitrator found that the claimant's current condition of ill-being was causally related to that accident. It awarded the claimant TTD for the period of October 3, 2022, through February 6, 2023. The arbitrator further found that the medical expenses submitted by the claimant were reasonable and necessary, and ordered the employer to pay them.

¶ 46 The arbitrator further found that the claimant had sustained a 25% loss of use of his left foot as a result of the accident, and she awarded him PPD benefits of $469.88 per week for 41.75 week. In fashioning its award of PPD, the arbitrator considered and applied the five factors prescribed by section 8.1b of the Act. The arbitrator placed significant weight on the occupation, age, and disability factors. Specifically, the arbitrator found it significant that 1) the claimant currently works packaging chemicals, which involves physical demands similar to those involved in his prior job with the employer, 2) the claimant was 27 years old at the time of his work injury, and "he has many work years left during which time he will need to deal with the

residual effects of the injury," and 3) the claimant still has hardware in his foot that he can feel when he walks and still has pain in his foot every day which increases if he bumps it or something falls on it. He also experiences a tingling sensation in his foot when his shoe rubs against it, and he has problems with his foot if he stands too long.

¶ 47 The employer appealed the arbitrator's decision to the Commission. The Commission, with Commissioner Doerries dissenting, modified the arbitrator's decision in part and otherwise affirmed and adopted it. The Commission found that the claimant had established that his left foot injury arose out of and in the course of his employment. The Commission agreed with the arbitrator's finding that the employer's rule prohibiting sandals and open-toed shoes was vague. The Commission noted that Rule 6 of the employer's "Plant Safety Rules" required only that "[f]ootwear must be sturdy in good condition, and with proper tread to reduce slipping hazards." The Commission credited the claimant's testimony that he understood the prohibition to apply while he was working rather than upon his arrival, and that he believed his slides were in good condition with proper tread and that he could safely cross the production floor. Observing that the slides depicted in the claimant's exhibit appeared to be the type of footwear one would wear at a public pool, spa or shower to reduce the risk of slipping, the Commission concluded it was not unreasonable for the claimant to believe they satisfied the proper-tread requirement.

¶ 48 The Commission then examined Rules 7, 8, and 9 of the employer's "Rules and Regulations." It noted that Rule 7 provided that "*in food processing, good personal hygiene is mandatory (emphasis added),*" and that "all employees must maintain a neat and clean appearance." Rule 8 barred employees from wearing jewelry and other objects or bodily ornamentation *while at work*. Rule 9 required employees to wear the uniform provided by the employer and provided that "*[n]o shorts, tank tops, or halter tops are allowed: No sandals or open toed shoes are allowed*." (Emphasis added.)

¶ 49 Reading these rules together, the Commission found it reasonable for a person to conclude that the purpose of these rules is for "good personal hygiene" "in food processing" "while at work." Accordingly, the Commission found that "a reasonable person could conclude that sandals and open toed shoes were not allowed *while working*; not merely walking to the break room." Accordingly, the Commission affirmed the arbitrator's finding that this case is distinguishable from *Saunders* because the claimant in this case reasonably believed that he was not violating a safety rule and, therefore, his conduct did not take him "entirely out of the sphere of his employment."

¶ 50 The Commission found the claimant to be a credible witness. It addressed two instances when the claimant made statements that appeared to contradict his testimony that he believed he was allowed to wear his slides when walking through the production area on his way to the break room, and explained why neither instance undermined the claimant's credibility. First, the Commission noted that, in response to the arbitrator's question during cross-examination whether the claimant believed it was unreasonable for him to wear his slides in that area, the claimant responded "I did it. Yes." The Commission found that the arbitrator's question would be confusing, especially to a layperson, because "anything one does that results in an accident could be considered 'unreasonable' in hindsight." The Commission noted that this "does not mean that it is objectively, legally unreasonable."

¶ 51 The Commission also addressed the recorded statement that the claimant gave to the adjuster for the employer's third-party administrator four days after the accident. In that statement, in answer to a question posed by the interviewer, the claimant stated he was not supposed to be wearing slides in the area where he wore them. The Commission found it likely that the claimant's answer was influenced by the verbal warning he had received on the date of the accident, and did not establish that he knew, before the accident, that he was not to wear the

slides in that area. The Commission concluded that a reasonable inference is that the claimant told the interviewer that he was not supposed to be wearing the slides because he learned that after being reprimanded subsequent to the accident. The claimant never admitted to having such knowledge before the accident. The Commission therefore found that the recorded statement did not reflect poorly on the claimant's credibility.

¶ 52 The Commission further concluded that the claimant's actions were covered by the personal comfort doctrine because, at the time of the accident, the claimant was in a location he was authorized to be in and was injured by a defect on the employer's premises (*i.e.,* soap on the floor).

¶ 53 The Commission modified the arbitrator's award of TTD by subtracting one day from the award. The arbitrator had ordered TTD to commence on October 3, 2022, the date of the accident. The Commission noted that section 8(b) of the Act provides that an award of TTD commences on the day after the accident. Accordingly, the Commission changed the start date of the TTD award from October 3, 2022, to October 4, 2022. The Commission affirmed the arbitrator's TTD award in all other respects (including the February 6, 2023, end date).

¶ 54 The Commission also corrected a few clerical errors in the arbitrator's decision. It affirmed the arbitrator's decision in all other respects, including the arbitrator's award of PPD.

¶ 55 Commissioner Doerries dissented. She would have reversed the arbitrator's decision because, in her view, the claimant failed to prove that his accident arose out of his employment. Relying on *Saunders, Republic Iron & Steel Co. v. Industrial Comm'n*, 302 Ill. 401 (1922), and other cases, Commissioner Doerries maintained that an employee is acting outside of the sphere of his employment when he knowingly violates an employer's safety rule while performing an act for his own personal convenience. As the claimant admitted, charging his phone was an act of

personal convenience, not a job duty. Accordingly, Commissioner Doerries would have found that the claimant's injury occurred while he was acting entirely outside the sphere of his employment.

¶ 56 Commissioner Doerries acknowledged that this rule did not apply when 1) the claimant did not knowingly violate the employer's safety rule, or 2) there was a "custom or practice" of violating the rule with the acquiescence of the employer. However, Commissioner Doerries did not believe that either of these exceptions applied in this case. She found that the employer's rules clearly and unambiguously imposed a "blanket prohibition" on the wearing of open-toed shoes after an employee arrived at the plant, and that the claimant had received clear notice of the rule and underwent applicable training modules. She further concluded that the claimant had failed to provide corroborating witness testimony or other evidence showing that either he or any other employee regularly wore slides in front of managers without repercussions. She credited Suydam's testimony that the rule banning open-toed shoes was enforced, that employees would be written up if they violated the rule, that he had never seen the claimant or any employee wearing sandals in the production area or break room before the claimant did so on the day of the accident, and that he wrote up the claimant for violating the rule after the accident. Thus, Commissioner Doerries contended that the claimant had failed to meet his burden of proving that the employer had acquiesced in a custom or practice of violating the rule.

¶ 57 The employer sought judicial review of the Commission's decision in the circuit court of St. Clair County. The circuit court confirmed the Commission's decision. The court found that the Commission had properly resolved conflicts in the evidence and made credibility determinations within its province, and that the Commission's decision was not against the manifest weight of the evidence.

¶ 58 This appeal followed.

¶ 59 ANALYSIS

¶ 60 On appeal, the employer argues that the Commission's decision was against the manifest weight of the evidence because the claimant failed to prove that his work injury arose out of and in the course of his employment.

¶ 61 To obtain benefits under the Act, a claimant must establish by a preponderance of the evidence that he sustained an accidental injury "arising out of" and "in the course of" his employment. 820 ILCS 305/1(d) (West 2022); *McAllister v. Illinois Workers' Compensation Comm'n*, 2020 IL 124848, ¶ 32; *Sisbro, Inc. v. Industrial Comm'n*, 207 Ill. 2d 193, 203 (2003). The "arising out of" component is primarily concerned with causal connection. *McAllister*, 2020 IL 124848, ¶ 36. An injury is said to "arise out of" one's employment if its origin is in some risk connected with or incidental to the employment so that there is a causal connection between the employment and the accidental injury. *Id.* A risk is "incidental to the employment" when it belongs to or is connected with what the employee has to do in fulfilling his or her job duties. *Id.*, ¶ 36; *Purcell v. Illinois Workers' Compensation Comm'n*, 2021 IL App (4th) 200359WC, ¶ 18. An injury is received in the course of employment when it occurs within the period of employment, at a place where the worker may reasonably be in the performance of his duties, and while he is fulfilling those duties or is engaged in something incidental thereto. *J.S. Masonry, Inc. v. Industrial Comm'n*, 369 Ill. App. 3d 591, 596 (2006).

¶ 62 Whether the claimant sustained an injury that arose out of and in the course of his employment is a question of fact. *Hosteny v. Illinois Workers' Compensation Comm'n*, 397 Ill. App. 3d 665, 674 (2009). It is the function of the Commission to decide questions of fact, judge the credibility of witnesses, determine the weight that their testimony is to be given, and resolve

conflicts in the evidence. *Sisbro, Inc.*, 207 Ill. 2d at 206. The Commission's credibility determinations and other factual findings will not be disturbed on review unless they are against the manifest weight of the evidence. *Shafer v. Illinois Workers' Compensation Comm'n*, 2011 IL App (4th) 100505WC, ¶¶ 35-36. For a finding of fact to be against the manifest weight of the evidence, an opposite conclusion must be "clearly apparent." The appropriate test is whether the record contains sufficient evidence to support the Commission's decision, not whether this court might have reached the same conclusion. *Metropolitan Water Reclamation District of Greater Chicago v. Illinois Workers' Compensation Comm'n*, 407 Ill. App. 3d 1010, 1013 (2011).

¶ 63 The employer argues that we should review the Commission's finding that the claimant's work injury arose out of and in the course of his employment *de novo* because it presents a question of law. In support, the employer contends that it is a question of law "whether an employee in a particular factual setting has placed himself in a position that the injury resulted from a risk purely personal to the employee, and not incidental to or connected with what the employee had to do to fulfill his job duties."

¶ 64 The employer is mistaken. We review a decision by the Commission *de novo* only when the decision rests on a pure question of law or when the facts are undisputed and susceptible to only a single inference. *Carter v. Illinois Workers' Compensation Comm'n*, 2014 IL App (5th) 130151WC, ¶ 34; *Walker Brothers, Inc. v. Illinois Workers' Compensation Comm'n*, 2019 IL App (1st) 181519WC, ¶ 20. Neither is the case here. As noted, whether a claimant has proven that he sustained an accident arising out of and in the course of his employment is a question of fact. *Hosteny*, 397 Ill. App. 3d at 674. Moreover, some of the most critical facts in this case are disputed, including whether the claimant violated the employer's safety rules and whether the employer failed to enforce those rules. Thus, we review the Commission's decision under the manifest weight of the evidence standard.

¶ 65 The employer cites *Gerald D. Hines Interests v. Industrial Comm'n*, 191 Ill. App. 3d 913, 917 (1989), in support of its argument that this case turns on a question of law. Although there is some language in *Gerald D. Hines Interests* that arguably could be read to support the employer's position, the court in that case ultimately ruled that the question of whether the claimant's actions were performed for the benefit of his employer (and therefore arose out of and in the course of his employment) was a question of fact. *Id.* at 916-17. The *Gerald D. Hines Interest* court noted that the legal question presented was "whether an employee acting negligently and against the employer's orders is precluded from recovering under the Act." That is a pure question of law that does not depend on the particular facts of the case. Thus, *Gerald D. Hines Interests* does not support the employer's argument that the Commission's factual finding that a claimant sustained an accidental injury arising out of and in the course of his employment should be reviewed *de novo*. In any event, our supreme court has reviewed that issue under the manifest weight of the evidence standard. See, *e.g.*, *Saunders*, 189 Ill. 2d at 631-32. To the extent that *Gerald D. Hines Interests* applies a different standard, we decline to follow it.

¶ 66 Turning to the merits, the employer argues that the Commission erred in finding that the claimant's injury arose out of and in the course of his employment. An injury arises out of the employment if its origin is in some risk connected with or incidental to the employment so that there is a causal connection between the employment and the accidental injury. *McAllister*, 2020 IL 124848, ¶ 36. Injuries resulting from a risk distinctly associated with employment are deemed to arise out of the claimant's employment and are compensable under the Act. *Id.* ¶ 40. Examples of such risks include " 'tripping on a defect at the employer's premises,' " or " 'falling on uneven or slippery ground at the work site.' " *Id.* (quoting *First Cash Financial Services v. Industrial Comm'n*, 367 Ill. App. 3d 102, 106 (2006)). In this case, the claimant stepped on a brick and slipped on soap at the entry to a hallway leading from the perimeter of the production area to the

break room. The area where the claimant fell was soapy, slippery and always wet. The employer had authorized its employees to use the break room to charge their phones, and the only path to the break room that was open to employees was the path that the claimant took. Thus, an employee could reach the break room only by traversing a slippery surface on the employer's premises. This exposed the employees to a risk distinctly associated with the employment. The claimant's injury therefore arose out of his employment.

¶ 67 Relying on *Saunders* and other cases, the employer argues that the claimant's knowing violation of the employer's safety rules solely for his own personal convenience took him outside the sphere of his employment, rendering his injury not compensable. " '[W]here the violation of a rule or order of the employer takes the employee entirely out of the sphere of his employment and he is injured while violating such rule or order it cannot be then said that the accident arose out of the employment, and in such a case no compensation can be recovered.' " *Saunders*, 189 Ill. 2d at 628 (quoting *Republic Iron & Steel Co.*, 302 Ill. at 406). If an employee injures himself while knowingly violating his employer's safety rule for the sole purpose of his personal convenience, he is acting entirely outside the sphere of his employment, and his injury is not compensable. *Saunders*, 189 Ill. 2d at 628. However, compensation is not barred if 1) the claimant did not *knowingly* violate the rule, or 2) the employer acquiesced in the violation of the rule by not enforcing it or by allowing employees to regularly violate the rule with impunity. See *United States Steel Corp. v. Industrial Comm'n*, 65 Ill. 2d 374, 382-83 (1976).

¶ 68 The Commission found that the claimant did not knowingly violate the employer's rules. It found the employer's rule banning the wearing of open-toed sandals to be vague, and it found that a reasonable person could conclude that the ban applied only while employees were working, not when they were walking to the break room. Accordingly, the Commission found the claimant's testimony that he believed the rule only applied when he was working on the

production floor both credible and reasonable. We cannot say that the Commission's interpretation of the employer's rules or its credibility finding was against the manifest weight of the evidence.

¶ 69 The Commission further concluded that the employer had acquiesced in its employees wearing slides to the break room. The claimant testified that he and other employees repeatedly wore slides along the path from the perimeter of the production area to the break room and were never told they could not do so, and were never reprimanded or written up for doing so. The Commission found this testimony to be credible.

¶ 70 The employer argues that the claimant did not present sufficient evidence of the employer's acquiescence, and that other testimony presented in the case undermined the claimant's credibility. It notes that Suydam testified that he had never seen the claimant or any other employee wearing slides in that area and that, if he had seen any employees doing so, he would have disciplined them. The employer further maintains that the claimant admitted that he should not have been wearing slides in that area, both on cross-examination and in the recorded statement he gave four days after the accident. Moreover, the employer stresses that the claimant did not provide any corroborative testimony from other managers or coworkers.

¶ 71 The Commission considered these arguments and rejected them. It noted that, although Suydam testified that he never saw other employees wearing slides prior to the claimant's accident, he admitted that he could not speak for other managers. After carefully reviewing the statements that the claimant made on cross-examination and in his recorded interview four days after the accident, the Commission found that neither statement amounted to an admission by the claimant that, prior to his accident, he knew that he was not allowed to wear slides in the area where he fell.

¶ 72 The Commission's findings were not against the manifest weight of the evidence. It is the Commission's province to decide questions of fact, judge the credibility of witnesses, determine the weight that their testimony is to be given, and resolve conflicts in the evidence. *Sisbro, Inc.*, 207 Ill. 2d at 206. The Commission was entitled to credit the claimant's testimony over Suydam's. It was also entitled to draw reasonable inferences from the evidence, including reasonable interpretations of the claimant's statements and of the employer's rules.

¶ 73 The employer also argues that the Commission misapplied the "personal comfort doctrine." The personal comfort doctrine addresses whether a claimant was "in the course of" his employment at the time of his accident. *Karastamatis v. Industrial Comm'n*, 306 Ill. App. 3d 206, 211-12 (1999). Under the personal comfort doctrine, the course of employment is not considered broken by certain acts relating to the personal comfort of the employee. *Eagle Discount Supermarket v. Industrial Comm'n*, 82 Ill. 2d 331, 339-40 (1980). The employer argues that the Commission erred by applying the personal comfort doctrine in this case because the doctrine applies only when an employee performs an action relating to his physical well-being, not when an employee charges his cell phone.

¶ 74 We do not need to address the claimant's argument on this issue. Regardless of whether the personal comfort doctrine applies, a non-work-related activity performed by an employee on the employer's premises is deemed to be "in the course of" his employment if the employer routinely acquiesces in the activity. *Id.* at 340. The claimant testified that the employer knew that he and other employees regularly walked to the break room in slides, and that he was never disciplined for doing so. Under these circumstances, it was not against the manifest weight of the evidence for the Commission to conclude that the claimant was acting in the course of his employment when he was injured.

¶ 75 The employer further argues that, even if the claimant's injury arose out of and in the course of his employment, the Commission's awards of TTD and PPD benefits were excessive. We disagree.

¶ 76 A claimant is temporarily totally disabled from the time an injury incapacitates him from work until such time as he is as far recovered or restored as the permanent character of his injury will permit. *Westin Hotel v. Industrial Comm'n*, 372 Ill. App. 3d 527, 542 (2007). The period during which a claimant is temporarily totally disabled is a factual determination. *Id.* Accordingly, the Commission's decision regarding the period of TTD will not be disturbed on review unless it is against the manifest weight of the evidence. *Id.*

¶ 77 The employer notes that Dr. Harness's office note of January 18, 2023, states that the claimant was "able to return to work at this time." The employer argues that the claimant should not have been awarded TTD after that date, and maintains that the Commission erred in awarding TTD through February 6, 2023. However, on January 18, 2023, Dr. Harness signed another note addressed "to whom it may concern" stating that the claimant was to remain off work until February 6, 2023. Accordingly, the Commission's decision to award TTD from the day after the accident through February 6, 2023, was not against the manifest weight of the evidence.

¶ 78 The employer further argues that the Commission's award of PPD benefits was excessive. The nature and extent of a claimant's permanent disability is a question of fact to be resolved by the Commission, whose finding is entitled to substantial deference and will not be disturbed on appeal unless it is against the manifest weight of the evidence. *Baumgardner v. Illinois Workers' Compensation Comm'n*, 409 Ill. App. 3d 274, 278-79 (2011).

¶ 79 The Commission awarded PPD benefits of $469.88 per week for 41.75 weeks, representing a 25% loss of use of the left foot under section 8(e) of the Act. In fashioning its PPD award, the Commission considered each of the factors it was required to consider under section 8.1b of the Act (820 ILCS 305/8.1b (West 2022)), applied each relevant factor to the evidence, carefully and thoroughly analyzed the evidence, and provided a well-reasoned explanation of its findings. We cannot say that the Commission's PPD award was against the manifest weight of the evidence.[1]

¶ 80 Finally, the employer argues that the Commission erred by ordering the employer to "pay to [the claimant]" the medical expenses that had been awarded by the Commission. The employer asks us to strike that language from the Commission's written decision because neither the Act, the Commission's rules, nor relevant case law requires an employer to pay medical expenses directly to the claimant when a medical provider has outstanding balances.

¶ 81 We do not think it is necessary to strike the language at issue from the Commission's decision. The Commission ordered the medical expenses to be paid "under section 8(a) of the Act." That section requires an employer to pay medical expenses to the claimant's health care providers, not to the claimant directly. When read in that context, it is clear that the Commission meant that the medical expenses that had been awarded to the claimant should be paid to the claimant's health care providers.

¶ 82 CONCLUSION

¶ 83 For the foregoing reasons, we affirm the circuit court's order confirming the Commission's decision.

[1] The employer argues that an award of 33.4 weeks, representing a 20% loss of use of the left foot, would be more appropriate. The employer provides no support for this number. It simply pulls it out of a hat.

¶ 84 Affirmed.