Supreme Court Summaries

Opinions filed November 1, 2007

No. 101265 Wade v. City of North Chicago Police Pension Board

Appellate citation: 359 Ill. App. 3d 224.

JUSTICE KARMEIER delivered the judgment of the court, with opinion.

Chief Justice Thomas and Justices Freeman, Fitzgerald, Garman, and Burke concurred in the judgment and opinion.

Justice Kilbride took no part in the decision.

In 2002, this City of North Chicago policeman injured his knee when he fell down an embankment while assisting with an arrest. Told by his doctors that he could no longer work as a patrolman, and told by his employer that there were no desk jobs which he could fill, he applied for a line-of-duty disability pension.

Pursuant to section 3–115 of the Illinois Pension Code, the police pension board selected three physicians to examine the claimant. In addition to those doctors' reports, evidence was presented at a hearing as to claimant's problems with his knee before the accident and his surgery after it. The record also included the medical records of two other physicians who had treated the claimant after the accident, including the operating surgeon. Of the three doctors selected by the board to examine the claimant, two certified that he was disabled and one would not. The board refused to grant a pension, and the circuit court of Lake County affirmed.

On review, the appellate court ultimately found that the denial of a pension was contrary to the manifest weight of the evidence, a view also taken by the Illinois Supreme Court in this decision. The supreme court agreed with the appellate court that the noncertifying doctor's conclusions were not credible and were not supported by the record.

However, the statute on the board's selection of three doctors to examine the claimant had induced the appellate court to conclude that all three of those doctors would have to certify as to disability before a pension could be granted. In this decision, the supreme court said that this was not the case and that it was sufficient if all three doctors gave consideration to the disability issue and if the finding of disability was otherwise supported by the record, which the supreme court found to be the case here.

The cause was remanded to the City of North Chicago Police Pension Board with directions that it grant a line-of-duty pension.