

**ILLINOIS SUPREME COURT REAFFIRMS ITS DEFINITION OF “CATASTROPHIC INJURY” IN PSEBA CASES**

In *Village of Vernon Hills vs. Heelan*, 2015 IL 118170, the Illinois Supreme Court reaffirmed that, for purposes of PSEBA, a pension board’s decision to award line-of-duty disability benefits to a public safety employee establishes as a matter of law that the employee suffered a catastrophic injury under PSEBA.

The Defendant, a Village police officer for twenty (20) years, was awarded a line-of-duty disability pension for injuries from slip and fall while responding to emergency call, which aggravated his preexisting hip osteoarthritis. The Village filed a declaratory judgment action to seek declaration that it was not obligated to pay health insurance premiums under PSEBA. Ultimately, the Village sought to distinguish this case from *Krohe*. The Illinois Supreme Court did not find any distinction and restated that where a line-of-duty disability pension has been awarded, Section 10(a) of Public Safety Employee Benefits Act is satisfied, and a catastrophic injury has been suffered as a matter of law. The Court found that once a line-of-duty disability pension is awarded, there is no need to engage in discovery or present evidence regarding the claimants injury, because Section 10(a) of PSEBA is satisfied. The Supreme Court pointed out that the legislature has not altered the Illinois Supreme Court’s construction of “catastrophic injury” and therefore, the Court’s prior interpretation is considered part of the statute itself.

Finally, the Court held that the Village was not deprived of procedural due process in declaratory judgment action, because enactment of the Employee Benefits Act itself afforded Village all process it was due. More importantly, the Court refused to decide whether the Village was denied procedural due process at the Pension Board hearing because the Village failed to petition to intervene in the disability pension proceeding, and therefore forfeited any procedural due process claim.

**Practice Pointer:** Although at this time, municipalities do not have a right to intervene in disability pension proceedings, where the severity of the injury is in question, municipalities should always petition to intervene so as to preserve their procedural due process arguments.

For more information about matters discussed in this issue, please feel free to contact Klein, Thorpe & Jenkins Ltd.



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