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SPRINGFIELD

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FILE NO. S-1086

CIVIL SERVICE:
Authority of Civil
Service Commission
to Modify Its Orders

John D. Foster
Chairman
Civil Service Commission
State of Illinois
425 1/2 South Fourth Street
Springfield, Illinois 62701

Dear Mr. Foster:

This responds to your request for an opinion as to whether the Civil Service Commission has the authority to withdraw an order announced at its open meeting. You state that the Commission has been requested by both parties to a stipulated agreement to withdraw the order issued in accordance with the agreement because the parties could not carry it out.

It is the general rule of law in Illinois that administrative agencies have no greater powers than those

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conferred upon them by statute and that an administrative agency may allow a rehearing or modify and alter its decisions only where authorized to do so by statute. (Pearce Hospital Foundation v. Public Aid Com., 15 Ill. 2d 301; and Klaren v. Board of Fire & Police Com'rs., 99 Ill. App. 2d 356.) The Civil Service Commission has no such express authority granted to it by the Personnel Code (Ill. Rev. Stat. 1975, ch. 127, pars. 63b101 et seq.), which is the statute creating the Commission. The court in Oliver v. Civil Service Commission, 80 Ill. App. 2d 329, specifically held that the Commission had no inherent power to correct its mistakes.

There are court decisions in other States in which it has been held that administrative agencies may modify their determinations or correct errors on the ground of fraud or imposition, illegality, irregularity in vital matters, mistake, misconception of facts, erroneous conclusion of law, surprise or inadvertence. (2 Am. Jur. 2d Administrative Law, sec. 524.)

You have not provided in your letter any facts on matters of this nature on the part of the Commission. If there are such facts, I will consider them in connection with any further request you might make.

Very truly yours,

A T T O R N E Y G E N E R A L