

FOURTH DIVISION
March 12, 2015

No. 1-13-3055

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).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

VERNON BROOKS,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellant,)	Cook County.
)	
v.)	
)	No. 12 L 6386
THE RETIREMENT BOARD OF THE POLICEMEN'S)	
ANNUITY AND BENEFIT FUND OF THE CITY)	
OF CHICAGO,)	Honorable
)	Franklin Ulyses Valderrama,
Defendant-Appellee.)	Judge Presiding.

JUSTICE HOWSE delivered the judgment of the court.
Presiding Justice Fitzgerald Smith and Justice Ellis concurred in the judgment.

O R D E R

¶ 1 *Held:* Plaintiff's *pro se* complaint for administrative review was properly dismissed as untimely when it was filed more than 20 years after the complained of administrative decision.

¶ 2 *Pro se* plaintiff Vernon Brooks appeals from the circuit court's dismissal, as untimely, of his complaint for administrative review of a decision by defendant The Retirement Board of the Policemen's Annuity and Benefit fund of the City of Chicago (the Board). On appeal, plaintiff contends that the Board withheld certain information which made it impossible to file his complaint for administrative review in a timely manner and that he did not discover the relevant information for five years. We affirm.

¶ 3 Although the record on appeal does not include a report of proceedings, the following facts can be gleaned from the common law record.

¶ 4 In 2012, plaintiff filed a *pro se* complaint alleging that he remained on the "pension rolls" of the Chicago police department and that the Board did not have the authority to terminate a "meritorious" award of benefits. He later filed a *pro se* motion alleging that he did not file his complaint within 35 days because the Board hid an October 1, 1983 order from Superintendent Fred Rice indicating that a "leave of absence disability pension" had been approved for plaintiff with an effective date of November 1, 1983. Plaintiff subsequently filed a *pro se* pleading indicating that his cause was brought under the Administrative Review Law (see 735 ILCS 5/3-101 *et seq.* (West 2012)), and that he sought review of the Board's decision to terminate his benefits.

¶ 5 The Board then filed a motion to dismiss pursuant to section 2-619(a)(1) of the Code of Civil Procedure (the Code) (see 735 ILCS 5/2-619(a)(1) (West 2012)), alleging that plaintiff's complaint for administrative review was untimely because the last contact between the Board and plaintiff was on September 26, 1990, when the Board terminated plaintiff's then existing disability benefits, and at plaintiff's request tendered him a check refunding his unused pension

contributions. The motion further alleged that this was the sixth time plaintiff sought review of that decision. Attached to the motion in support was a 2012 order dismissing plaintiff's *pro se* complaint for administrative review as time-barred because it was filed more than 35 days after the complained of administrative action.

¶ 6 On September 23, 2013, the trial court, having heard argument, granted the Board's section 2-619(a)(1) motion to dismiss because plaintiff's action was not timely filed as required under the Administrative Review Law.

¶ 7 On appeal, plaintiff contends that he could not file a timely complaint for administrative review because certain information was hidden by the Board and he did not discover this information for five years. The Board, on the other hand, contends the trial court was without jurisdiction to consider plaintiff's *pro se* complaint for administrative review because he failed to file it within 35 days as required by the Administrative Review Law.

¶ 8 Initially, this court notes that plaintiff has failed to comply with our supreme court's rules governing appellate review. See Supreme Court Rules 341 (eff. Feb. 6, 2013) and 342 (eff. Jan. 1, 2005). Most notably, plaintiff has failed to articulate an organized and cohesive legal argument, and his brief is completely devoid of any citation to legal authority. Plaintiff's *pro se* status does not relieve him of the burden of complying with the format for appeals as mandated by supreme court rules (*Twardowski v. Holiday Hospitality Franchising*, 321 Ill. App. 3d 509, 511 (2001)), and his noncompliance with these rules subjects his appeal to dismissal (*LaGrange Memorial Hospital v. St. Paul Insurance Co.*, 317 Ill. App. 3d 863, 876 (2000)). However, because the issue on appeal is straightforward and we have the benefit of a cogent appellee's brief (see

Twardowski, 321 Ill. App. 3d at 511), we choose to entertain the appeal (see *Harvey v. Carponelli*, 117 Ill. App. 3d 448, 451 (1983)).

¶ 9 Turning to the merits of plaintiff's claim, this court reviews *de novo* a trial court's dismissal of a claim pursuant to section 2–619 of the Code. *Porter v. Decatur Memorial Hospital*, 227 Ill. 2d 343, 352 (2008).

¶ 10 Pursuant to section 3-103 of the Administrative Review Law (735 ILCS 5/3-103 (West 2012)), an action seeking review of "a final administrative decision shall be commenced by the filing of a complaint and the issuance of summons within 35 days from the date that a copy of the decision sought to be reviewed was served upon the party affected by the decision." The 35-day time period for filing a complaint for administrative review is a jurisdictional requirement and judicial review of an administrative decision is barred if the complaint is not filed within that specified time period. *Rodriguez v. Sheriff's Merit Commission of Kane County*, 218 Ill. 2d 342, 350 (2006).

¶ 11 Although the Board's decision is not included in the record on appeal, the parties agree that the complained of decision, that is, the termination of plaintiff's benefits, occurred in 1990. Therefore, plaintiff's filing of a *pro se* complaint for administrative review of the Board's decision in 2012 is untimely. See 735 ILCS 5/3-103 (West 2012) (review of an administrative decision shall be commenced by filing complaint within 35 days of the date the affected party was served with the decision). The 35-day filing period is a jurisdictional requirement (*Rodriguez*, 218 Ill. 2d at 350), and, consequently, the failure to file within that time period bars relief. See *Ellis v. Miller*, 119 Ill. App. 3d 579, 580-81 (1983). Even were this court to accept plaintiff's assertion that he did not discover the Board's alleged error until 1995, five years after

1-13-3055

the termination of his benefits, he offers no explanation as to why a complaint filed in 2012 should be considered timely. See *Lake County Grading Company, LLC, v. The Village of Antioch*, 2014 IL 115805, ¶ 36 (the failure to clearly define an issue and support it with authority results in forfeiture of the argument on appeal).

¶ 12 Here, when plaintiff waited over 20 years to seek administrative review of the Board's decision, no exception to the jurisdictional requirement exists nor is one warranted. Accordingly, the trial court properly determined that plaintiff's complaint for administrative review was untimely, and granted the Board's motion to dismiss.

¶ 13 For the foregoing reasons, the judgment of the circuit court of Cook County is affirmed.

¶ 14 Affirmed.