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IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

JOHN H. COVER JR.,)	Appeal from the Circuit Court
)	of Winnebago County.
Plaintiff-Appellant,)	
)	
v.)	No. 17-MR-602
)	
THE DEPARTMENT OF)	
EMPLOYMENT SECURITY BOARD OF)	
REVIEW and OSF HEALTHCARE)	
SYSTEMS,)	Honorable
)	Lisa R. Fabiano,
Defendants-Appellees.)	Judge, Presiding.

JUSTICE McLAREN delivered the judgment of the court.
Justices Jorgensen and Burke concurred in the judgment.

ORDER

¶ 1 *Held:* (1) Plaintiff had no right to a jury in his administrative-review action; (2) the Department properly denied plaintiff's claim for unemployment benefits, as the evidence supported the Department's conclusion that plaintiff voluntarily quit without good cause attributable to the employer.

¶ 2 After claimant John H. Cover Jr.'s employment at OSF Healthcare Systems (OSF) ended, he filed for unemployment benefits. The Board of Review (Board) of the Department of Employment Security (DES) denied benefits after finding that claimant voluntarily left his employment. Claimant sought administrative review. The trial court upheld the Board's ruling

and claimant appeals. He contends that (1) the court denied him his right to a jury trial and (2) the Board's findings were against the manifest weight of the evidence. We affirm.

¶ 3 In his application for benefits, claimant alleged that he worked in a hostile and negative environment, which included insults and unwarranted write-ups. He reported the situation to his superiors, but nothing was done.

¶ 4 OSF opposed the application, contending that claimant had been progressing through a company disciplinary program due to poor productivity and customer service issues and that he ultimately left his position voluntarily. OSF argued that claimant resigned before it could complete its investigation of his claims of a hostile work environment.

¶ 5 A claims adjudicator for the DES denied benefits, finding that claimant had left work voluntarily, without good cause attributable to the employer. The adjudicator denied reconsideration and claimant appealed to a DES referee. Claimant filed a written submission and the referee held a telephone hearing. From those sources, we glean the following.

¶ 6 Claimant began working for OSF in 2014 as a sales representative at OSF's Rockford home medical equipment facility. Claimant felt that he did not receive adequate training, and a hostile work environment soon developed. The supervisor would often call him and other employees derogatory names. Claimant reported the situation to two people in OSF's Human Resources (HR) department but never received a response. A short time later, he received two disciplinary write-ups. The supervisor complained that claimant was sarcastic and argumentative with patients. Claimant believed that these write-ups were unwarranted but, because of them, he was unable to transfer to another department.

¶ 7 In December 2016, he took a two-month leave of absence to have surgery. During this time, he e-mailed A.J. Querciagrossa, president of OSF's home care services division, requesting

help in transferring to a different department. Querciagrossa suggested talking to an HR representative when claimant returned to work.

¶ 8 When he returned, he did meet with an HR representative and his supervisor, but this resulted only in additional write-ups. To claimant, this confirmed that he was working in a negative environment. On February 13, 2017, claimant e-mailed his resignation to Querciagrossa. He stated that he had been subjected to too much hostility and thus was giving his two weeks' notice. OSF, however, informed him that his resignation would be effective immediately although he would be paid for the two weeks.

¶ 9 At the hearing, Linda Mullen, OSF's Director of Employee Relations, testified that, through employee evaluations conducted in the fall of 2016, OSF concluded that the supervisor had set high expectations for employees but that the expectations were fair. Although these expectations had caused issues within the department, there was no hostile work environment. OSF decided that it was necessary to increase communications with employees about expectations. However, claimant resigned before the investigation concluded, so he never received these findings.

¶ 10 The referee concluded that claimant left his position due to a personality conflict with a coworker and that this was not good cause attributable to the employer. Thus, claimant was not eligible for benefits.

¶ 11 On appeal, the Board affirmed the referee's decision. The Board concluded that the conditions of claimant's employment did not change between 2014 and 2017 and that, as a result, his departure in 2017 was not attributable to the employer. The Board found that a reasonable person would have either waited for HR to complete its investigation or initiated a job search in an attempt to obtain a new position.

¶ 12 Claimant then filed an administrative review action in the trial court. The court, after reviewing the administrative record, affirmed the Board's decision. The court denied claimant's motion for reconsideration, and claimant timely appealed.

¶ 13 Claimant, proceeding *pro se*, first contends that the trial court erred by denying him a jury trial. He argues that the court's refusal violated his constitutional right to a trial by jury. However, it is well established that a court exercises special statutory jurisdiction when it reviews a final administrative decision and that its jurisdiction is limited by the statute conferring it. The court has no powers from any other source. *Beggs v. Board of Education of Murphysboro Community Unit School District No. 186*, 2016 IL 120236, ¶ 45. The Administrative Review Law makes no provision for jury trials, as the court is limited to considering the correctness of the agency's decision and "[n]o new or additional evidence *** shall be heard by the court." 735 ILCS 5/3-110 (West 2016). As no new evidence could be presented to the court, claimant had no right to a trial, let alone a jury trial.

¶ 14 Claimant's principal contention is, in essence, that the Board's finding that claimant voluntarily left his employment was not supported by the evidence. An administrative agency's findings and conclusions on questions of fact are deemed *prima facie* true and correct. *Id.* In examining an agency's factual findings, we do not reweigh the evidence or substitute our judgment for the agency's. *Cinkus v. Village of Stickney Municipal Officers Electoral Board*, 228 Ill. 2d 200, 210 (2008). We decide only whether those factual findings are against the manifest weight of the evidence. *Id.* An agency's factual findings are against the manifest weight of the evidence if the opposite conclusion is clearly evident. *Id.*

¶ 15 Receipt of unemployment benefits is conditioned on eligibility under the Unemployment Insurance Act (the Act) (820 ILCS 405/100 *et seq.* (West 2016)), and the burden of proving

eligibility rests with the claimant. *Childress v. Department of Employment Security*, 405 Ill. App. 3d 939, 943 (2010). Section 601(A) of the Act disqualifies a former employee from receiving benefits if he left work voluntarily without good cause attributable to the employer. 820 ILCS 405/601(A) (West 2016). Good cause results from circumstances that produce real and substantial pressure to leave one's employment and that would compel a reasonable person under the circumstances to act the same way. *Childress*, 405 Ill. App. 3d at 943. An example of good cause is a unilateral change in the terms and conditions of employment that renders the job unsuitable. *Id.* For example, the employer's moving its plant 16 miles away could be good cause for voluntary termination of employment. *Jaime v. Director*, 301 Ill. App. 3d 930, 936-37 (1998). However, the employee must make a reasonable effort to resolve the issues prior to leaving. *Lojek v. Department of Employment Security*, 2013 IL App (1st) 120679, ¶ 36 (citing 56 Ill. Adm. Code 2840.101(b) (2010)).

¶ 16 Here, there is simply no evidence that the employer did anything to make claimant's job worse. It appears that the conditions when claimant resigned in 2017 were about the same as when he started working for the company in 2014. Although his initial complaints were apparently ignored, he continued working there for approximately two more years. He complained again to HR in 2017, but resigned before its investigation was complete.

¶ 17 Claimant seems to argue that the meeting with HR, ostensibly called to allow him to air his grievances, was really just a pretext to administer more discipline to him. This may be, but the conditions of claimant's employment were not made any worse as a result. There is support in the record for the Board's conclusion that plaintiff voluntarily resigned due to personality conflicts and not as a result of any action by the employer. Thus, its conclusion is not against the manifest weight of the evidence.

¶ 18 The judgment of the circuit court of Winnebago County is affirmed.

¶ 19 Affirmed.