NOTICE

Decision filed 12/19/11. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2011 Il App (1st) 102678WC-U

Workers' Compensation
Commission Division
Filed: December 19, 2011

No. 1-10-2678WC

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
WORKERS' COMPENSATION COMMISSION DIVISION

ARLESTA HARRIS,	) APPEAL FROM THE
	) CIRCUIT COURT OF
Appellant,	) COOK COUNTY
	)
v.	) No. 10 L 51033
	)
ILLINOIS WORKERS' COMPENSATION	)
COMMISSION, et al.,	)
(PROVISO AREA FOR EXCEPTIONAL	)
CHILDREN,	) HONORABLE
	) JAMES C. MURRAY,
Appellees).	) JUDGE PRESIDING.

JUSTICE HOFFMAN delivered the judgment of the court.
Presiding Justice McCullough and Justices Hudson, Holdridge and Stewart concurred in the judgment.

ORDER

¶ 1 Held: The circuit court properly dismissed this cause for want of jurisdiction.

¶ 2 The claimant, Arlesta Harris, appeals from an order of the Circuit court of Cook County dismissing her action for judicial review of a decision of the Illinois Workers' Compensation Commission (Commission) for want of jurisdiction. We affirm.

¶ 3 On June 23 or June 24, 2010, the claimant, Arlesta Harris, filed a petition for review of a decision of the Commission entered pursuant to the Workers' Compensation Act (Act) (820 ILCS 305/1 et seq. (West 2010)). Upon a motion from the respondent, Proviso Area for Exceptional Children (Proviso), the circuit court dismissed the action on the ground that it was filed beyond the 20-day time limit set forth by the Act for such review. See 820 ILCS 305/19(f)(1) (West 2010). The circuit court later denied the claimant's motion to vacate the dismissal order, and this appeal followed.

¶ 4 The record on appeal does not include the Commission decision the claimant seeks to challenge. It begins with summonses and certificates of mailing, filed June 24, 2010, referencing a request for review the claimant had filed on June 23, 2010. On July 26, 2010, Proviso filed a motion to dismiss the action for lack of jurisdiction, on the ground that the claimant's complaint for review had been filed more than 20 days after June 2, 2010, the date she received notice of the Commission's decision. See 820 ILCS 305/19(f)(1) (West 2010). Proviso attached to its motion a copy of a certified mail receipt indicating that a copy of the Commission's decision had been delivered and signed for (by an otherwise unidentified person) on June 2, 2010.

¶ 5 On August 17, 2010, the circuit court entered an order dismissing the case because it had been filed beyond the 20-day jurisdictional limit. The next day, the claimant filed a pro se motion seeking to vacate the dismissal order. The claimant's motion stated as follows:

> "This matter was heard [on August 17] ***. [The circuit court judge], based upon evidence 'shown' and in the absence of [the claimant's] presence, granted [Proviso's] motion to dismiss due to [the claimant's] untimely filing of this appeal, 22 days after the Commission decision, which was received by [the petitioner's] attorney on [June 2, 2010], who subsequently withdrew legal representation [and] forwarded [the] case to [the claimant] after the Commission decision date." (Emphasis in original.)

The circuit court denied the claimant's motion to vacate, and this appeal followed.

¶ 6 On appeal, the claimant argues that the circuit court erred in dismissing her petition due to lack of jurisdiction. We disagree.

¶ 7 "Although the circuit courts are courts of general jurisdiction and enjoy a presumption of subject matter jurisdiction, that presumption does not apply in workers' compensation proceedings where the court exercises special statutory jurisdiction." Rojas v. Illinois Workers' Compensation Comm'n, 406 Ill. App. 3d 965, 971, 942 N.E.2d 668 (2010); see also Ill. Const. 1970, art. 6, § 9 ("Circuit Courts shall have such power to review administrative action as provided by law."). "In an appeal from a decision of the Commission, the circuit court obtains subject matter jurisdiction only if the appellant complies with the statutorily mandated procedures set forth in the Act." Rojas, 406 Ill. App. 3d at 971. Pursuant to the Act, "[a] proceeding for review" by the circuit court "shall be commenced within 20 days of the receipt of notice of the decision of the Commission." 820 ILCS 305/19(f)(1) (West 2010). This statutory deadline sets forth a jurisdictional prerequisite to circuit court review of a Commission decision. See Chambers v. Industrial Comm'n, 132 Ill. App. 3d 891, 893, 478 N.E.2d 498 (1985).

¶ 8 The claimant here does not dispute that her petition for review was filed more than 20 days after the Commission's decision was issued. She instead asserts that there is nothing in the record to indicate that she received notice of the Commission's decision more than 20 days prior to her filing for circuit court review on June 23 or 24. We disagree. As Proviso points out in its brief, the claimant's motion to vacate expressly concedes that the claimant's attorney received notice of the Commission's decision on June 2, 2010, more than 20 days before she filed for circuit court review. Although the claimant argues that notice to her attorney should not be imputed to her, Proviso correctly points out that the law holds otherwise. See Forest Preserve District of Cook County v. Industrial Comm'n, 305 Ill. App. 3d 657, 712 N.E.2d 856 (1999) (holding that service on law firm representing a party satisfied section 19(f)(1) of the Act). To the extent that the claimant asks that we relax these jurisdictional requirements because she represented herself pro

se, we respond that we are without authority to do so, and, in any event, Illinois law is clear that "[p]ro se litigants are required to comply with the same rules of procedure as are required of litigants represented by counsel" (Bracy v. Industrial Comm'n, 328 Ill. App. 3d 285, 286, 788 N.E.2d 737 (2003)).

¶ 9 We conclude, therefore, that the circuit court properly dismissed this cause of action for want of jurisdiction.

¶ 10 Affirmed.