

employment. The circuit court reversed the Commission's decision and remanded to the Commission for further proceedings. On appeal, the employer argues the circuit court lacked jurisdiction to review the Commission's decision. For the reasons that follow, we vacate the judgment of the circuit court as having been entered in the absence of subject matter jurisdiction.

¶ 3

I. BACKGROUND

¶ 4 The 63-year-old claimant testified at the arbitration hearing that he began work for the employer on May 9, 2008. On July 15, 2009, claimant walked from the employee parking lot toward the entrance to the employer's manufacturing plant. As claimant crossed a public roadway, he was struck by a car. On September 25, 2009, claimant filed an application for adjustment of claim pursuant to the Act, seeking benefits from the employer for accidental injuries allegedly arising out of and in the course of his employment on July 15, 2009. Following a hearing, the arbitrator found claimant suffered injuries on July 15, 2009, arising out of and in the course of his employment with the employer. Thus, the arbitrator awarded claimant benefits. Thereafter, the employer filed a petition for review of the arbitrator's decision. On review, the Commission reversed the arbitrator's decision finding claimant failed to prove that his injuries arose out of and in the course of his employment.

¶ 5 Thereafter, the claimant sought judicial review of the Commission's decision pursuant to section 19(f)(1) of the Act (820 ILCS 305/19(f)(1) (West 2008)). Section 19(f)(1) provides that judicial review of a decision of the Commission is initiated by filing a request for a summons with the clerk of the circuit court. This request for summons must be filed within 20 days of the receipt of notice of the decision. Section 19(f)(1) also provides that "no request for a summons may be filed and no summons shall issue unless the party seeking to review the decision of the

Commission shall exhibit to the clerk of the Circuit Court proof of payment" of the probable cost of the record in the form of a receipt or an affidavit from an attorney that the cost has been paid.

820 ILCS 305/19(f)(1) (West 2008).

¶ 6 Claimant or his attorney received the decision from the Commission on March 3, 2011.

(The employer points out that the request for summons states claimant received the

Commission's decision on March 3, 2010, and that was "an apparent typographical error" because the Commission's decision is dated February 24, 2011.) On March 21, 2011, claimant's attorney

filed a request for summons with the circuit court, and the summons was issued on the same day.

The summons instructed the employer and the Commission to file their appearances in the circuit court by May 2, 2011.

¶ 7 On April 8, 2011, claimant's attorney placed in the mail a copy of a receipt dated April 1, 2011, to be filed with the clerk of the circuit court, as proof that a payment of \$35 had been made to the Commission for the probable cost of preparing the record. The clerk of the circuit court filed the receipt on April 11, 2011.

¶ 8 Subsequently, the employer filed a motion to quash summons arguing claimant had failed to strictly comply with the requirements of section 19(f)(1) and, therefore, the circuit court lacked subject matter jurisdiction over claimant's appeal. According to the employer, the summons should not have been issued prior to the exhibition of proof that the \$35 fee for preparing the record had been paid to the Commission. The circuit court denied the employer's motion to quash finding claimant complied with the requirements of section 19(f)(1) where claimant paid to the Commission the probable cost of preparing the record in advance of the return date of the summons, May 2, 2011. Further, the circuit court found claimant's injuries arose out of and in

the course of his employment, reversing the Commission's decision and remanding to the Commission for further proceedings. This appeal followed.

¶ 9

II. ANALYSIS

¶ 10 Initially on appeal, we address the employer's challenge to the circuit court's jurisdiction to review the Commission's decision. The employer argues claimant failed to comply with the Act's requirements when seeking judicial review of the Commission's decision.

Specifically, the employer argues claimant's attorney placed in the mail on April 8, 2011, a copy of a receipt dated April 1, 2011, as proof of payment to the Commission for the probable cost of preparing the record, and neither date (April 1 or April 8) was within 20 days of the receipt of the Commission's decision on March 3, 2011, as required by section 19(f)(1) of the Act (820 ILCS 305/19(f)(1) (West 2008)).

¶ 11 Claimant argues that section 19(f)(1) of the Act (820 ILCS 305/19(f)(1) (West 2008)) does not require strict compliance and because he paid to the Commission the probable cost of preparing the record in advance of the return date of the summons, May 2, 2011, jurisdiction properly vested in the circuit court. We disagree.

¶ 12 Section 19(f)(1) of the Act provides in pertinent part:

"(1) *** the Circuit Court *** shall by summons to the Commission have power to review all questions of law and fact presented by such record.

A proceeding for review shall be commenced within 20 days of the receipt of notice of the decision of the Commission. The summons shall be issued by the clerk of such court upon written request ***. ***

The Commission shall not be required to certify the record of their proceedings to

the Circuit Court, unless the party commencing the proceedings for review in the Circuit Court [shall pay the proper amount for the cost of the preparation of the record].

In its decision on review the Commission shall determine in each particular case the amount of the probable cost of the record to be filed as a part of the summons in that case and *no request for a summons may be filed and no summons shall issue unless the party seeking to review the decision of the Commission shall exhibit to the clerk of the Circuit Court proof of payment by filing a receipt showing payment or an affidavit of the attorney setting forth that payment has been made of the sums so determined ***.*"

(Emphasis added.) 820 ILCS 305/19(f)(1) (West 2008).

"Every provision of section 19(f)(1) traces back to the statutory 20-day period." *Rojas v. Illinois Workers' Compensation Comm'n*, 406 Ill. App. 3d 965, 972, 942 N.E.2d 668, 673 (2010).

¶ 13 While circuit courts are courts of general jurisdiction and enjoy a presumption of subject matter jurisdiction, such a presumption is not available in workers' compensation proceedings where the court exercises special statutory jurisdiction, and strict compliance with the statute is required to vest the court with subject matter jurisdiction. *Gruszczyka v. Illinois Workers' Compensation Comm'n*, 2013 IL 114212, ¶ 13, 992 N.E.2d 1234, citing *Kavonius v. Industrial Comm'n*, 314 Ill. App. 3d 166, 169, 731 N.E.2d 1287, 1290 (2000). Our supreme court has consistently held that "the timely filing of a request for issuance of summons and the timely exhibition of proof of payment for the probable cost of the record (*both of which are necessary for commencement of a judicial review action under section 19(f)(1)*) are jurisdictional requirements that must be strictly adhered to in order to vest the circuit court with jurisdiction." (Emphasis added.) *Gruszczyka*, 2013 IL 114212, ¶ 13, 992 N.E.2d 1234, citing *Jones v.*

Industrial Comm'n, 188 Ill. 2d 314, 320, 721 N.E.2d 563, 566 (1999).

¶ 14 In the present case, the Commission issued its decision on February 24, 2011, and fixed the probable cost of the record at \$35. Claimant or his attorney received the Commission's decision on March 3, 2011. The 20th day after March 3, 2011, was March 23, 2011. Therefore, claimant had until March 23, 2011, to place in the mail (see *Gruszczyka*, 2013 IL 114212, ¶ 28, 992 N.E.2d 1234) or file a written request for summons with the circuit court and to exhibit to the clerk of the court proof of payment of the probable cost of the record. Claimant timely filed his request for summons with the circuit court on March 21, 2011, and the summons was issued on the same day, without proof of payment. The clerk had no authority to issue the summons without proof of payment.

¶ 15 Claimant admits he did not place in the mail a copy of the receipt dated April 1, 2011, exhibiting proof of payment, until April 8, 2011. Neither date (April 1 or April 8) was within 20 days of the receipt of the Commission's decision on March 3, 2011. Therefore, the circuit court did not obtain subject matter jurisdiction and had no jurisdiction to consider the merits of claimant's appeal. Our court has consistently held that the circuit court does not acquire subject matter jurisdiction to review the Commission's decision unless the appellant submits proof of payment of the probable cost of the record within 20 days after receipt of the Commission's decision. See *Rojas*, 406 Ill. App. 3d at 972, 942 N.E.2d at 674 (receipt for payment of the probable cost of the record was dated on the 22nd day after Commission decision received and file-marked on 65th day after Commission decision received); *Esquivel v. Illinois Workers' Compensation Comm'n*, 402 Ill. App. 3d 156, 163, 930 N.E.2d 553, 559 (2010) (proof of payment of the probable cost of the record filed more than six months after the 20-day filing

period had expired); and *Kavonius*, 314 Ill. App. 3d at 169, 731 N.E.2d at 1290 (proof of payment filed over seven months after the expiration of the 20-day deadline).

¶ 16 Citing *Jones*, claimant correctly observes that our supreme court has found substantial compliance with certain requirements of section 19(f)(1) may be sufficient to vest the circuit court with jurisdiction. *Jones*, 188 Ill. 2d at 321, 721 N.E.2d at 567. However, this case is factually distinguishable from *Jones*. In *Jones*, the supreme court considered whether the circuit court obtained subject matter jurisdiction over an appeal from the Commission where the claimant filed a request for summons in the circuit court within the required 20-day period, *and exhibited proof of payment for the probable cost of the record within the 20-day period*, but exhibited the proof of payment after filing the request for summons. *Jones*, 188 Ill. 2d at 317, 721 N.E.2d at 565. The claimant argued that, because all of the steps necessary to commence statutory review were completed within the statutory 20-day period, he had substantially complied with the requirements of section 19(f)(1). *Jones*, 188 Ill. 2d at 319, 721 N.E.2d at 566. Our supreme court agreed, holding that the claimant had complied with the material provisions of the statute. *Jones*, 188 Ill. 2d at 326, 721 N.E.2d at 570.

¶ 17 In *Jones*, all of the required documents were filed within the 20-day time frame. Thus, compliance with section 19(f)(1) was affirmatively shown on the record. In the present case, however, claimant did not comply with the provisions of the statute within the 20-day time frame. Because claimant failed to comply with section 19(f)(1), the circuit court was without jurisdiction to grant claimant's petition for judicial review. See *Peter H. Clark Lodge No. 483, I. B. P. O. E. of W. Elks v. Industrial Comm'n*, 48 Ill. 2d 64, 71, 268 N.E.2d 382, 386 (1971) (In absence of complete compliance, circuit court should have quashed summons); *Moweaqua Coal*

Mining & Manufacturing Co. v. Industrial Comm'n, 322 Ill. 403, 405, 153 N.E. 678, 679 (1926)

("The clerk had no authority to issue the writ, and it was properly quashed on motion").

¶ 18 For a court exercising special statutory jurisdiction, "[a]ny action the trial court takes that is outside the statute's stricture is void." *Cushing v. Greyhound Lines, Inc.*, 2012 IL App (1st) 100768, ¶ 103, 965 N.E.2d 1215 (quoting *In re Haley D.*, 2011 IL 110886, ¶ 92, 959 N.E.2d 1108). "A void order is a complete nullity from its inception and has no legal effect." *Cushing*, 2012 IL App (1st) 100768, ¶ 103, 965 N.E.2d 1215. The circuit court had no jurisdiction. We therefore vacate the circuit court's order remanding the matter to the Commission for further proceedings as the court was without jurisdiction to enter the order.

¶ 19

III. CONCLUSION

¶ 20 For the reasons stated, we vacate the circuit court's judgment.

¶ 21 Judgment vacated.