

2022 IL App (2d) 210702WC-U
No. 2-21-0702WC
Order filed October 7, 2022

NOTICE: This order was filed under Supreme Court Rule 23(b) and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT
Workers' Compensation Division

DANIEL SMITH JR.,)	Appeal from the Circuit Court
)	of McHenry County,
Appellant,)	
v.)	Nos. 21-MR-501
)	12-MR-7
)	
THE ILLINOIS WORKERS')	
COMPENSATION COMMISSION <i>et al.</i>)	
)	Honorable
(Mid American Heating & Air Conditioning,)	Kevin G. Costello,
Appellee).)	Judge, Presiding.

JUSTICE CAVANAGH delivered the judgment of the court.
Presiding Justice Holdridge and Justices Hoffman, Hudson, and Barberis concurred in the judgment.

ORDER

¶ 1 *Held:* The circuit court did not have jurisdiction to consider the petition for judicial review filed prior to the final and corrected decision of the Commission.

¶ 2 On May 19, 2021, the Illinois Workers' Compensation Commission (Commission) issued a decision awarding claimant, Daniel Smith Jr., benefits. On May 24, 2021, the employer, Mid American Heating & Air Conditioning, filed a motion for correction of clerical error with the

Commission. On June 7, 2021, claimant filed a petition for judicial review in the circuit court of McHenry County.

¶ 3 On July 1, 2021, the Commission issued a corrected decision. On July 14, 2021, claimant filed a notice of intent to file for review with the Commission, but did not file a petition for judicial review of the corrected Commission decision with the circuit court. Instead, claimant filed a motion for leave to file an amended petition for judicial review. The employer filed an objection to claimant's motion, to which claimant filed a response. After arguments on the motion for leave to amend the petition, on November 2, 2021, the court denied the motion and dismissed the petition for judicial review for lack of subject matter jurisdiction. Claimant appealed and we affirm.

¶ 4 I. BACKGROUND

¶ 5 In addition to the procedural history summarized above, following is a recitation of other facts relevant to this appeal taken from the record.

¶ 6 Commencing April 26, 2021, the Commission required participation in and use of an electronic filing (e-filing) system, which among other functions, provides notice of filings to participants. Claimant's attorney did not register for such system until June 3, 2021.

¶ 7 At the hearing on claimant's motion for leave to file an amended petition for judicial review, claimant acknowledged the commencement of mandatory e-filing. Claimant argued he did not receive notice of the employer's motion for correction of clerical error with the Commission because he was not registered with the e-filing system until June 3, 2021. Claimant argued he would not have filed his petition for judicial review had he known of the employer's motion. Claimant's attorney proffered (1) he recently turned 78 years old, (2) he had been a civil practitioner and "not a workers' comp lawyer," (3) he did not "really know computers that well," and (4) he had to enlist the help of another to register with the e-filing system.

¶ 8 In response to the circuit court’s query, claimant admitted he had received notice of the Commission’s corrected decision. As well, at the time the Commission issued the corrected decision, the employer’s attorney advised claimant he was required to file another appeal. Claimant argued, as he does herein, that his filing of the notice of intent to file for review with the Commission, and motion for leave to amend the previously filed petition with the circuit court, constituted substantial compliance with section 19(f) of the Workers’ Compensation Act (Act) (820 ILCS 305/19(f) (West 2020)).

¶ 9 On November 2, 2021, the circuit court found the petition for judicial review was filed prior to the Commission’s corrected decision and thus was premature. Because such premature filing did not confer jurisdiction on the court, it dismissed the petition for lack of subject matter jurisdiction.

¶ 10 This appeal followed.

¶ 11 II. ANALYSIS

¶ 12 A. Standard of Review

¶ 13 Both questions of statutory construction and whether a circuit court has jurisdiction to review an administrative decision, we review *de novo*. *Joiner v. Illinois Workers’ Compensation Comm’n*, 2017 IL App (1st) 161866WC, ¶ 26.

¶ 14 B. The Circuit Court Properly Concluded It Did Not Have Jurisdiction

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

“The decision of the Commission acting within its powers, according to the provisions of paragraph (e) of this Section shall, in the absence of fraud, be conclusive *unless reviewed as in this paragraph hereinafter provided*. However, the Arbitrator or the Commission may on his or its own motion, or on the motion

of either party, correct any clerical error or errors in computation within 15 days after the date of receipt of any award by such Arbitrator or any decision on review of the Commission and shall have the power to recall the original award on arbitration or decision on review, and issue in lieu thereof such corrected award or decision. *Where such correction is made the time for review herein specified shall begin to run from the date of the receipt of the corrected award or decision.*”

(Emphases added.) 820 ILCS 305/19(f) (West 2020).

¶ 16 “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.” *Kavonius v. Industrial Comm’n*, 314 Ill. App. 3d 166, 169 (2000). Strict compliance with section 19(f)’s timing command for initiating judicial review is a jurisdictional prerequisite, and “comports with one of the primary purposes of the workers’ compensation law, which is to determine whether an employee is entitled to receive compensation for his or her injuries as quickly as possible.” *Jones v. Industrial Comm’n*, 188 Ill. 2d 314, 320-21 (1999).

¶ 17 It is a long-standing principle a circuit court obtains jurisdiction in workers’ compensation matters only as prescribed by statute. *International Harvester v. Industrial Comm’n*, 71 Ill. 2d 180, 185 (1978). A party seeking judicial review must comply with all provisions imposed by section 19(f) of the Act. *Id.* Section 19(f) expressly states the decision from which an appeal can be taken to the circuit court is the Commission’s final determination. *Id.* Section 19(f) also provides, as noted above, a process by which the Commission can correct clerical or computational errors, so the circuit court is not required to address such errors. *Id.* at 186. The Commission’s determination

is not final, and therefore subject to appeal, until it decides whether to correct these types of issues. *Id.* at 186-87.

¶ 18 Thus, in *International Harvester*, because the employee filed the petition for review in the circuit court prior to the Commission ruling on the employer's motion seeking to correct the decision, the circuit court did not have jurisdiction to review the Commission's decision. *Id.* at 188. The petition seeking judicial review was "premature" in that it sought review of a decision that was not yet final and appealable. *Id.* Such premature filing "cannot confer jurisdiction to the reviewing court." *Id.* at 187.

¶ 19 In this case, claimant filed his petition for judicial review on June 7, 2021, while the employer's motion for correction of clerical error, filed May 24, 2021, was pending with the Commission. The Commission determined it would make the correction sought and issued a corrected decision on July 1, 2021. Thereafter, claimant did not file a petition for judicial review. Thus, the petition seeking review of the Commission's decision by the circuit court was premature. The court did not therefore have subject matter jurisdiction to entertain the action.

¶ 20 Claimant's request to amend his petition is of no consequence because strict compliance with the Act is required. The Act makes no provision for an extension of time, or for the amendment of a petition for judicial review in the type of situation presented, or in others for that matter. Thus, the employee's argument he substantially complied with section 19(f), is wholly insufficient.

¶ 21 Because claimant did not file a petition for judicial review after receiving the corrected decision, he failed to comply with the dictates of the Act. The premature filing did not vest the circuit court with jurisdiction, nor did claimant's motion to amend the premature petition.

Therefore, we find no error in the court's dismissal of the petition for judicial review for lack of subject matter jurisdiction.

¶ 22

III. CONCLUSION

¶ 23 For all the foregoing reasons, we affirm the circuit court's order.

¶ 24 Affirmed.