

No. 1-24-0120WC

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT-WORKERS' COMPENSATION DIVISION

RASHUN SINGLETON,)	Appeal from the
)	Circuit Court of
Appellant,)	Cook County
)	
v.)	No. 2023 L 050112
)	
)	
THE ILLINOIS WORKERS' COMPENSATION)	
COMMISSION <i>et al.</i> ,)	Honorable
)	Daniel P. Duffy,
(Amita Health / Advent Health, Appellee).)	Judge, Presiding.

JUSTICE HOFFMAN delivered the judgment of the court.
Presiding Justice Holdridge and Justices Mullen, Cavanagh, and Barberis concurred in the judgment.

ORDER

¶ 1 *Held:* We affirmed the trial court's dismissal for want of jurisdiction and the denial of the appellant's motions to vacate and for reconsideration.

¶ 2 The claimant, Rashun Singleton, appeals from the December 19, 2023, order of the circuit court, dismissing her action for judicial review of a decision of the Illinois Workers' Compensation Commission for want of jurisdiction and the circuit court's order of January 17, 2024, denying

both her motions to vacate and emergency motion for reconsideration. For the reasons which follow, we affirm the orders of the circuit court.

¶ 3 The following factual recitation is taken from the pleadings, exhibits, and orders contained in the record.

¶ 4 On December 27, 2016, the claimant filed an application for adjustment of claim pursuant to the Illinois Workers Compensation Act (Act) (820 ILCS 305/1 *et seq.* (West 2014), seeking benefits for injuries allegedly sustained on November 2, 2016, while working for Amita Health / Advent Health (Amita). That case was docketed in the Illinois Workers' Compensation Commission (Commission) as No. 16 WC 38818. On October 25, 2018, the claimant, acting *pro se*, filed a duplicate application for adjustment of claim which was docketed in the Commission as case No. 18 WC 32084. The claims were subsequently consolidated.

¶ 5 On July 24, 2019, pursuant to a motion filed by Amita, an arbitrator dismissed both claim 16 WC 38818 and claim 18 WC 32084 for want of prosecution. On July 30, 2019, the claimant filed a motion to reinstate her claims which motion she refiled both on August 21, 2019, and September 24, 2019. Following a hearing on October 23, 2019, the arbitrator denied the claimant's motion to reinstate.

¶ 6 On November 21, 2019, the claimant sought a review of the arbitrator's decision by the Commission. On January 31, 2023, the Commission issued a single unanimous decision in claims 16 WC 38818 and 18 WC 32084, affirming and adopting the decision of the arbitrator. On January 31, 2023, the Commission issued separate email Compfile notifications in claims 16 WC 38818 and 18 WC 32084, advising both the claimant and Amita's attorney that a decision had been issued by the Commission. Both notifications state that they were emailed to the claimant at kelis1992@yahoo.com.

¶ 7 On March 1, 2023, the claimant filed an action for judicial review of the Commission’s decision in the circuit court of Cook County. On June 12, 2023, Amita filed a motion pursuant to section 2-619(a)(1) of the Code of Civil Procedure (Code) (735 ILCS 5/2-619(a)(1) (West 2022) to dismiss the claimant’s judicial review action for want of subject-matter jurisdiction. On December 19, 2023, the circuit court granted Amita’s motion and dismissed the claimant’s action for want of jurisdiction. On January 4, 2024, the claimant filed a motion to vacate the dismissal order of December 19, 2023, and on January 16, 2024, she filed an “Emergency Motion for Reconsideration.” On January 17, 2024, the circuit court entered an order denying both the claimant’s motion to vacate and her emergency motion for reconsideration. This appeal followed.

¶ 8 We review a dismissal pursuant to section 2-619 of the Code *de novo*. *Van Meter v. Darien Park District*, 207 Ill. 2d 359, 368 (2003). The question presented in a review of a dismissal pursuant to section 2-619 of the Code is whether the movant is entitled to judgement as a matter of law. *Gonnella Baking Co.. v. Clara’s Pasta di Casa, Ltd.*, 337 Ill. App. 3d 385, 388 (2003).

¶ 9 Section 19(f)(1) of the Act (820 ILCS 305/19(f)(1) (West 2022)) provides that a proceeding for review of a decision of the Commission “shall be commenced within 20 days of the *receipt of notice* of the decision of the Commission.” Emphasis added. Proceedings under the Act are purely statutory, and the statutory requirements for the circuit court to obtain subject-matter jurisdiction require strict compliance. *Gruszczyka v. Illinois Workers’ Compensation Comm’n*, 2013 IL 114212, ¶ 13. The supreme court has consistently held that the timely filing of a judicial review action is a jurisdictional requirement necessary to vest the circuit court with jurisdiction to review a decision of the Commission. *Jones v. Industrial Comm’n*, 188 Ill. 2d 314, 320 (1999).

¶ 10 In this case, the Commission issued its decision on January 31, 2023. Contained in the record are copies of separate Compfile notifications from the Commission in claims 16 WC 38818

and 18 WC 32084 dated January 31, 2023, advising both the claimant and Amita's attorney that a decision had been issued by the Commission. We take judicial notice of orders and notifications of the Commission as public records. See *Hiatt v. Illinois Tool Works*, 2018 IL App (2d) 170554, ¶ 50.

¶ 11 The claimant does not dispute that she is and has been a subscriber to the Commission's Compfile system since December 2016. She admitted same in her Emergency Motion for Reconsideration of the circuit court's December 19, 2023, order dismissing her action for judicial review. According to the claimant, she never became aware of the Commission's decision until February 24, 2023, when she telephoned the Commission and did not receive a copy of the Commission's decision until March 1, 2023. She concludes that the filing of her judicial review action on March 1, 2023, fell within the 20-day filing period set forth in section 19(f)(1) of the Act.

¶ 12 Contrary to the claimant's arguments, the 20-day jurisdictional filing period set forth in section 19(f)(1) of the Act does not commence when a party receives a copy of the Commission's decision. By the unambiguous terms of the statute, an action for judicial review must be commenced "within 20 days of the receipt of notice of the decision of the Commission." 820 ILCS 305/19(f)(1) (West 2022). Receipt of notice of a decision of the Commission is not synonymous with receipt of the decision itself, and we may not add provisions not found in the statute or depart from its plain reading. *Schultz v. Illinois Farmers Insurance Co.*, 237 Ill. 2d 391, 408 (2010). The claimant relies on this court's unpublished decision in *Fazal v. Illinois Workers' Compensation Comm'n*, 2018 IL App (1st) 170927WC in support of her argument that the 20-day filing requirement set forth in section 19(f)(1) commences to run when the party receives the Commission's decision. We find the claimant's reliance upon *Fazal* to be misplaced for two

reasons. First, the Illinois Supreme Court Rule 23 order in *Fazal* was issued before January 1, 2021, and, therefore, may not be cited as authority. Ill. S. Ct. R. 23(e) (eff. Feb. 1, 2023). Second, the decision in *Fazal* does not state that the operative date for the commencement of the 20-day filing period commences when the party receives the Commission's decision; rather, that decision refers to the date that the party receives notice of the Commission's decision as the operative date for determining whether an action for judicial review of a decision of the Commission was filed timely. *Id.* at ¶ 6.

¶ 13 The Commission sent notices of its decisions to the claimant by email through its Compfile system on January 31, 2023. The notices were sent by email to the claimant at kelis1992@yahoo.com. The claimant does not contend that kelis1992@yahoo.com is not her correct email address, nor could she make such an argument. The email address listed in the Commission's notifications is the same email address that the claimant herself listed in various motions that she filed with the Commission and in filings in the circuit court. If measured from January 31, 2023, the date that the Commission sent the email notices to the claimant, the March 1, 2023, filing of the claimant's judicial review action fell outside of the 20-day filing period set forth in section 19(f)(1) of the Act and did not vest the circuit court with subject-matter jurisdiction.

¶ 14 The claimant argues that section 19(i) of the Act (820 ILCS 305/19(i) (West 2022)) requires that all notices to be given to a party shall be served either personally or by registered mail addressed to the party or agent at the last addresses filed with the Commission and not by email. In her brief, the claimant asserts that she never received either a notice of the Commission's decision or the decision itself by mail. According to the claimant, "I did not receive anything by Mail in my P.O. Box prior regarding receiving the Commission decision nor did I receive an email notice at all. The alleged email notice could have gone to my junk mail file that only lasts for 10

days.” In any case, the claimant contends that electronic service of a notice that a decision had been issued by the Commission does not satisfy the requirements of section 19(i) of the Act or commence the running of the 20-day filing period set forth in section 19(f)(1) of the Act.

¶ 15 In both her Emergency Motion for Reconsideration filed in the circuit court on January 16, 2024, and in her brief before this court, the claimant has asserted that “[b]ack in 2016[,] I provided my P.O. Box and Email address to the Commission and nothing has changed. *** I’m also registered with Comp file providing the same information.” Section 9015.50(c) of the Commission's rules provides, in relevant part, that “[s]ubscribers consent to receive all communication from the Commission, including but not limited to notice of hearing, orders, decisions, or any general correspondence via electronic filing. The Commission may also issue any Commission document via e-mail.” 50 Ill. Adm. Code 9015.50(c) (2016). By registering with the Commission’s Compfile system, the claimant agreed to receive notices electronically. As we stated in *South Berwyn School District #100 v. Illinois Workers’ Compensation Comm’n*, 2024 IL App (1st) 230722WC-U, ¶ 24, parties may waive statutory rights, and we know of no provision in the Act prohibiting parties from agreeing to electronic delivery of documents.

¶ 16 The January 31, 2023, the Compfile notifications sent by the Commission in claims 16 WC 38818 and 18 WC 32084 are both addressed to the claimant at the email address she supplied to the Commission. Both notifications state that “This email is to inform you that a decision has been filed in the case below.” They also state “This email was sent to the parties listed below.” Below that sentence appears the claimant’s name along with her email address.

¶ 17 The January 31, 2023, emails sent to the claimant notified her that a decision of the Commission had been filed. Section 9015.50(d) of the Commission’s Rules provides that “E-service shall be deemed complete as of the filed date and time listed by the e-file system.” 50 Ill.

Adm. Code 9015.50(c) (2016). We find, therefore, that the 20-day period provided in section 19(f)(1) of the Act for the filing of an action for judicial review of the Commission's decision in this case began running on January 31, 2023, the date that the email notifications state that they were sent to the claimant. The claimant had until February 20, 2023, to file her action in the circuit court for judicial review of the Commission's decision. The claimant did not file her judicial review action in the circuit court until March 1, 2023, well after the expiration of the jurisdictional filing period.

¶ 18 Based on the foregoing analysis, we affirm both the December 19, 2023, order of the circuit court dismissing for want of jurisdiction the claimant's action for judicial review of the Commission's decision and the circuit court's order of January 17, 2024, denying both her motion to vacate and her motion for emergency motion for reconsideration.

¶ 19 Affirmed.