

2025 IL App (1st) 240896WC-U
No. 1-24-0896WC
Order filed October 3, 2025

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 DISTRICT
WORKERS' COMPENSATION COMMISSION DIVISION

KAHLIL ZAHRAN,)	Appeal from the Circuit Court
)	of Cook County.
Appellant,)	
)	
v.)	No. 23-L-50318
)	
THE ILLINOIS WORKERS')	
COMPENSATION COMMISSION,)	
)	
(The Illinois State Treasurer, as <i>ex-</i>)	
<i>officio</i> custodian of the Injured)	Honorable
Workers' Benefit Fund and S&B)	Daniel P. Duffy,
Food & Liquor, Inc., Appellees).)	Judge, Presiding.

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

ORDER

¶ 1 *Held:* The circuit court lacked subject-matter jurisdiction to review the decision of the Illinois Workers' Compensation Commission where the record on appeal is devoid of evidence that claimant timely (1) tendered a written request for summons to the circuit court, (2) filed with the Commission a notice of intent to file for review in the circuit court, or (3) exhibited to the clerk of the circuit court either proof of filing with the Commission of a notice of intent to file for review in the circuit court or the affidavit of an attorney setting forth that a notice of intent to file for review

in the circuit court had been given in writing to the secretary or assistant secretary of the Commission. As such, the appellate court vacated the judgment of the circuit court and dismissed claimant's appeal.

¶ 2 Claimant, Kahlil Zahran, appeals from the judgment of the circuit court of Cook County which confirmed a decision of the Illinois Workers' Compensation Commission (Commission) denying his application for benefits under the Workers' Compensation Act (Act) (820 ILCS 305/1 *et seq.* (West 2016)). For the reasons that follow, we conclude that the trial court lacked subject-matter jurisdiction to consider claimant's appeal because the record is devoid of evidence that claimant timely (1) tendered a written request for summons to the circuit court, (2) filed with the Commission a notice of intent to file for review in the circuit court, or (3) exhibited to the clerk of the circuit court either proof of filing with the Commission of a notice of intent to file for review in the circuit court or the affidavit of an attorney setting forth that a notice of intent to file for review in the circuit court had been given in writing to the secretary or assistant secretary of the Commission. See 820 ILCS 305/19(f)(1) (West 2016). Accordingly, we vacate the decision of the circuit court and dismiss claimant's appeal.

¶ 3 I. BACKGROUND

¶ 4 Claimant, Kahlil Zahran, worked as a clerk for respondent, S&B Food & Liquor, Inc. (S&B Food). On April 9, 2016, claimant was stocking beer for respondent when he allegedly fell down a staircase. Claimant sought benefits for his alleged work-related injuries pursuant to the Act. S&B Food being uninsured, the Illinois State Treasurer (Treasurer), as *ex-officio* custodian of the Injured Workers' Benefit Fund, was added as a respondent. Following a hearing, the arbitrator determined, among other things, that claimant failed to prove that he sustained an injury arising out of and occurring in the course of his employment with S&B Food. With certain changes not relevant to

this appeal, the Commission affirmed and adopted the decision of the arbitrator. On judicial review, the trial court confirmed the decision of the Commission. Thereafter, claimant filed a notice of appeal.

¶ 5

II. ANALYSIS

¶ 6 On appeal, claimant argues that the Commission's determination that he failed to prove that he sustained an accident arising out of and occurring in the course of his employment is against the manifest weight of the evidence. In response, the Treasurer urges this court to vacate the circuit court's judgment and dismiss the appeal because claimant failed to adequately invoke the trial court's subject-matter jurisdiction. Specifically, the Treasurer argues that claimant failed to comply with section 19(f)(1) of the Act (820 ILCS 305/19(f)(1) (West 2016)) in that he failed to timely (1) tender to the circuit court a written request for issuance of summons, (2) file with the Commission a notice of intent to file for review in the circuit court, or (3) exhibit to the clerk of the circuit court either proof of filing of a notice of intent to file for review in the circuit court or the affidavit of an attorney attesting that such notice was given in writing to the secretary or assistant secretary of the Commission. Alternatively, the Treasurer and S&B Food both argue that the Commission's finding that claimant failed to prove that he sustained an accident arising out of and occurring in the course of his employment was not against the manifest weight of the evidence. We agree with the Treasurer's first argument and therefore vacate the trial court's decision as having been entered in the absence of subject-matter jurisdiction and dismiss this appeal.

¶ 7 At the outset, we observe that the question whether claimant sufficiently invoked the trial court's subject-matter jurisdiction has never previously been raised in this case. Nevertheless, the failure of a party to object to the lack of subject-matter jurisdiction cannot confer jurisdiction upon

the court. *Supreme Catering v. Illinois Workers' Compensation Comm'n*, 2012 IL App (1st) 111220WC, ¶ 7. Subject-matter jurisdiction either exists or it does not, and it cannot be waived, stipulated to, or consented to by the parties. *Supreme Catering*, 2012 IL App (1st) 111220WC, ¶ 7. Accordingly, if the trial court lacked subject-matter jurisdiction, its order is void and of no effect. *Supreme Catering*, 2012 IL App (1st) 111220WC, ¶ 7; see also *Taylor v. Industrial Comm'n*, 221 Ill. App. 3d 701, 703-04 (1991) (noting that the respondent's failure to object to the lack of jurisdiction cannot confer jurisdiction upon the court, for subject-matter jurisdiction can neither be conferred by agreement nor waived by the parties).

¶ 8 Turning to the merits, we note that while circuit courts are courts of general jurisdiction and enjoy the presumption of subject-matter jurisdiction, this presumption does not extend to workers' compensation proceedings. *Conway v. Illinois Workers' Compensation Comm'n*, 2019 IL App (4th) 180285WC, ¶ 12; *Kavonius v. Industrial Comm'n*, 314 Ill. App. 3d 166, 169 (2000). Rather, a court in a workers' compensation proceeding exercises "special statutory jurisdiction" and strict compliance with the Act is required to vest the circuit court with subject-matter jurisdiction. *Conway*, 2019 IL App (4th) 180285WC, ¶ 12; *Kavonius*, 314 Ill. App. 3d at 169.

¶ 9 Section 19(f)(1) of the Act (820 ILCS 305/19(f)(1) (West 2016)) governs the procedure for initiating an appeal from the Commission to the circuit court. Relevant here, the statute provides that "[a] proceeding for review shall be commenced within 20 days of the receipt of notice of the decision of the Commission." 820 ILCS 305/19(f)(1) (West 2016). To commence the appeal of the Commission's decision to the circuit court, a party must file within the requisite 20-day period, a "written request" for issuance of summons. 820 ILCS 305/19(f)(1) (West 2016); *Gruszczyk v. Illinois Workers' Compensation Comm'n*, 2013 IL 114212, ¶ 23 ("[A] request for summons under

section 19(f) is how one commences an appeal of the Commission’s decision to the circuit court.”). Also within the same 20-day period, the party seeking review must (1) file with the Commission a “notice of intent to file for review in the Circuit Court” and (2) “exhibit to the clerk” of the circuit court proof of filing with the Commission of the notice of intent to file for review in the circuit court or the affidavit of the attorney setting forth that notice of intent to file for review in the circuit court has been given in writing to the secretary or assistant secretary of the Commission. 820 ILCS 305/19(f)(1) (West 2016); *Conway*, 2019 IL App (4th) 180285WC, ¶ 21; see also *Esquivel v. Illinois Workers’ Compensation Comm’n*, 402 Ill. App. 3d 156, 160 (2010) (noting that every provision in section 19(f)(1) “traces back” to the statutory 20-day period). To perfect jurisdiction in the circuit court, compliance with the statutory requirements must appear in the record. *Bracy v. Industrial Comm’n*, 338 Ill. App. 3d 285, 286 (2003).

¶ 10 Thus, in *Whitmer v. Industrial Comm’n*, 187 Ill. App. 3d 409, 410-11 (1989), this court held that the employee’s failure to file a separate document requesting issuance of summons by the clerk of the circuit court did not constitute strict compliance with section 19(f)(1) of the Act (Ill. Rev. Stat. 1987, ch. 48, par. 138.19(f)(1)) and therefore divested the trial court of jurisdiction to consider an appeal from the Commission. See also *Bracy*, 338 Ill. App. 3d at 288 (vacating order of the circuit court and dismissing the appeal where the claimant failed to file a written request for issuance of summons, noting that the fact that summonses issued does not excuse the statutory requirement of filing the written request); *Taylor*, 221 Ill. App. 3d at 703 (affirming circuit court’s dismissal of the claimant’s appeal for lack of subject-matter jurisdiction where the claimant failed to file a written request for issuance of summons). Similarly, in *Vanda v. Illinois Workers’ Compensation Comm’n*, 2022 IL App (3d) 210250WC-U, ¶ 18, we held that where the claimant

sought review of a Commission decision but failed to file with the Commission a notice of intent to file for review in the circuit court, the circuit court lacked subject-matter jurisdiction and properly dismissed the claimant's action. And in *Conway*, 2019 IL App (4th) 180285WC, ¶¶ 21-22, we held that the failure of a party to (1) exhibit to the clerk of the circuit court proof of filing with the Commission of the notice of intent to file for review in the circuit court or (2) an affidavit of the attorney setting forth that notice of intent to file for review in the circuit court has been given in writing to the secretary or assistant secretary of the Commission within 20 days of the Commission's decision divested the circuit court of subject-matter jurisdiction.

¶ 11 Turning to the facts in this case, claimant's attempt to initiate a proceeding for review failed to satisfy the requirements of section 19(f)(1) of the Act (820 ILCS 305/19(f)(1) (West 2016)). Neither the trial court's docket nor the record on appeal contain a written request for summons to the circuit court, a notice of intent to file for review in the circuit court, proof of filing with the Commission of the notice of intent to file for review in the circuit court, or the affidavit of an attorney setting forth that notice of intent to file for review in the circuit court has been given in writing to the secretary or assistant secretary of the Commission. In his reply brief, claimant notes that the record shows that his attorney had filed with the clerk of the circuit court a "Notice of Filing" which stated that he had filed a "Summons to IWCC Workers' Compensation Review." However, the document referenced by claimant is not a written request for summons to the circuit court. Rather, it is a notice to the chairman of the Commission that on a date certain claimant filed with the clerk of the circuit court a summons to the Commission. And as noted above, the fact that summonses issued does not excuse the statutory requirement of filing the written request. *Bracy*, 338 Ill. App. 3d at 288. Regardless, claimant does not address the other flaws identified by the

Treasurer. Claimant does not direct us to the portion of the record showing that he filed with the Commission a notice of intent to file for review in the circuit court or that he exhibited to the clerk of the circuit court either proof of filing of a notice of intent to file for review in the circuit court or the affidavit of an attorney attesting that such notice was given in writing to the secretary or assistant secretary of the Commission. Further, we have conducted an independent review of the record and have been unable to find any of these documents. See *Bracy*, 338 Ill. App. 3d at 286 (noting that to perfect jurisdiction in the circuit court, compliance with the statutory requirements must appear in the record). As such, we are compelled to vacate the judgment of the circuit court as having been entered in the absence of subject-matter jurisdiction and dismiss claimant's appeal.

¶ 12

III. CONCLUSION

¶ 13 For the reasons set forth above, we vacate the judgment of the circuit court of Cook County as having been entered in the absence of subject-matter jurisdiction, and we dismiss claimant's appeal.

¶ 14 Circuit court judgment vacated; Appeal dismissed.