

ILLINOIS WORKERS' COMPENSATION COMMISSION
DECISION SIGNATURE PAGE

Case Number	12WC034686
Case Name	Teresa Mroczko v. Janitorial Services Inc
Consolidated Cases	
Proceeding Type	Petition for Review
Decision Type	CORRECTED DECISION
Commission Decision Number	(23IWCC0061)
Number of Pages of Decision	4
Decision Issued By	Stephen Mathis, Commissioner

Petitioner Attorney	Anthony Ivone, Matthew Belcher
Respondent Attorney	Randall Stark

DATE FILED: 3/10/2023

/s/Stephen Mathis, Commissioner

Signature

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

<input type="checkbox"/> Affirm and adopt (no changes)	<input type="checkbox"/> Injured Workers' Benefit Fund (§4(d))
<input type="checkbox"/> Affirm with changes	<input type="checkbox"/> Rate Adjustment Fund (§8(g))
<input type="checkbox"/> Reverse <input type="text" value="Choose reason"/>	<input type="checkbox"/> Second Injury Fund (§8(e)18)
<input type="checkbox"/> Modify <input type="text" value="Choose direction"/>	<input type="checkbox"/> PTD/Fatal denied
	<input checked="" type="checkbox"/> None of the above

BEFORE THE ILLINOIS WORKERS' COMPENSATION COMMISSION

Teresa Mroczko,

Petitioner,

vs.

No. 12 WC 34686

A & R Janitorial Services, Inc.,

Respondent.

CORRECTED DECISION AND OPINION ON REVIEW

A petition for review has been filed by the law firm of Aleksy Belcher and notice has been given to all parties. The Commission, after considering the issues of jurisdiction, "Petition for Attorney Fees; and Approval of Settlement Contract Lump Sum Petition and Order," and being advised of the facts and law, dismisses the petition for review for lack of jurisdiction.

The petition for review follows multi-case civil litigation arising from a work injury sustained by Teresa Mroczko (Petitioner). Although a workers' compensation claim was filed on Petitioner's behalf by Aleksy Belcher, it was never tried before the Commission. Instead, multiple proceedings were brought in the circuit court, and Petitioner changed attorneys. Ultimately, Respondent, by stepping into Petitioner's shoes,¹ obtained an \$850,000 settlement in a third-party action. On November 19, 2019, the parties entered into a global settlement agreement, a material part of which was an approval of a \$1.00 settlement contract by the Commission.

Aleksy Belcher, as a former attorney, objected to the approval of the \$1.00 settlement contract, as it sought to collect attorney fees for the workers' compensation claim. In January of 2020, Aleksy Belcher filed a petition for attorney fees, requesting an evidentiary hearing.

¹ By filing a subrogation action under section 5(b) of the Act.

Scheduling the hearing was significantly delayed due to the Covid pandemic interrupting the Commission's normal operations.

On April 27, 2021, an Arbitrator held the hearing and received evidence. On January 24, 2022, the Arbitrator approved the settlement contract and issued an accompanying order awarding zero attorney fees, explaining: “[S]ince the workers’ compensation claim has settled for \$1.00, there is no attorney’s fee to disperse [*sic*] for settlement of the workers’ compensation claim;” and “The settlement contract notes a net recovery from a third party in a civil case. This recovery is not before or under the jurisdiction of the Arbitrator.” Although the Arbitrator promptly tendered the approved contract and order to the Commission staff for processing, these documents did not get entered into our e-filing system (CompFile) and emailed to Petitioner’s current workers’ compensation attorney and Respondent’s attorney until March 21, 2022. The documents were not emailed to Aleksy Belcher because Aleksy Belcher did not claim its interest in the case in CompFile.

On July 13, 2022, Aleksy Belcher filed a petition for review stating the firm did not receive the documents until that day. Also on July 13, 2022, Aleksy Belcher filed an appearance of representative form, clarifying in a separate letter: “Please note that our firm does not currently represent the Petitioner, but are filing this appearance for the purposes of seeking review.” CompFile records show Aleksy Belcher’s interest in the case was recorded the same day.

The Commission finds that it lacks jurisdiction on review. After the Commission went fully paperless through CompFile on April 21, 2021, Aleksy Belcher failed to claim its interest in the case. This resulted in Aleksy Belcher not receiving the settlement contract and accompanying order for more than three months. When Aleksy Belcher belatedly claimed its interest in the case, it was recorded in CompFile the same day and the firm was added to the list of attorneys of record. The Commission finds Aleksy Belcher’s petition for review was not timely filed. See *Alvarado v. Industrial Comm’n*, 216 Ill. 2d 547 (2005); *Contreras v. Industrial Comm’n*, 306 Ill. App. 3d 1071 (1999). Further, the Commission agrees with the Arbitrator that there are no workers’ compensation attorney fees for the Commission to adjudicate.

IT IS THEREFORE ORDERED BY THE COMMISSION that Aleksy Belcher’s petition for review is dismissed.

No bond is required for removal of this cause to the Circuit Court.

The party commencing the proceedings for review in the Circuit Court shall file with the Commission a Notice of Intent to File for Review in Circuit Court.

March 10, 2023

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44

/s/ Stephen J. Mathis
Stephen J. Mathis

/s/ Deborah L. Simpson
Deborah L. Simpson