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IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT
WORKERS' COMPENSATION COMMISSION DIVISION

ADVANCE SERVICES, INC.,)	Appeal from the
)	Circuit Court of
Appellant,)	Peoria County.
)	
v.)	No. 18-MR-666
)	
THE ILLINOIS WORKERS' COMPENSATION)	
COMMISSION <i>et al.</i> ,)	Honorable
)	Mark Giles,
(Allen Miller, Appellee).)	Judge, Presiding.

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

ORDER

- ¶ 1 *Held:* Appeal dismissed for lack of appellate jurisdiction where employer failed to file a timely notice of appeal.
- ¶ 2 Employer, Advance Services, Inc., appeals from an order of the circuit court of Peoria County, which confirmed the decision of the Illinois Workers' Compensation Commission (Commission) awarding claimant, Allen Miller, certain benefits under the Illinois Workers'

Compensation Act (Act) (820 ILCS 305/1 *et seq.* (West 2014)) for injuries he sustained while working for employer. For the following reasons, we dismiss this appeal for lack of jurisdiction.

¶ 3

I. Background

¶ 4 The following recitation is limited to the procedural history and facts necessary to understand our resolution of this appeal. Claimant filed an application for adjustment of claim pursuant to the Act, seeking benefits for injuries he allegedly sustained to his left hand and arm while working for employer. Following a hearing held pursuant to section 19(b) of the Act (820 ILCS 305/19(b) (West 2014)), the arbitrator issued a written decision awarding claimant certain benefits under the Act. The arbitrator also ordered employer to pay certain fees and penalties under the Act.

¶ 5 Employer sought review of the arbitrator's decision before the Commission. On September 28, 2018, the Commission issued a written decision vacating the arbitrator's award of fees and penalties under the Act but otherwise affirming and adopting the arbitrator's decision. The Commission also remanded the case back to the arbitrator for further proceedings pursuant to *Thomas v. Industrial Comm'n*, 78 Ill. 2d 327 (1980).

¶ 6 Employer sought judicial review of the Commission's decision in the circuit court of Peoria County. On June 14, 2019, following a hearing, the court took the matter under advisement but indicated that it would issue a written ruling "on or before July 5th." On July 3, 2019, the court signed a written order confirming the Commission's decision, and the clerk of the circuit court file-stamped the order on the same date. According to a notation in the case index, the order was "Mailed to Attorneys and Workers Comp 7-5-19[.]"

¶ 7 On August 5, 2019, employer filed a notice of appeal from the circuit court’s July 3, 2019, order in the office of the clerk of the circuit court. Employer attached a copy of the court’s July 3, 2019, order, which was stamped as “received” on July 8, 2019.

¶ 8 II. Analysis

¶ 9 Before considering employer’s arguments, we must address an issue bearing on our jurisdiction to decide this appeal. Although neither party raises the issue, this court has an obligation to determine whether it has jurisdiction to entertain the instant appeal. *Williams v. Industrial Comm’n*, 336 Ill. App. 3d 513, 515 (2003).

¶ 10 In workers’ compensation cases, appeals from final judgements of the circuit court “shall be taken to the Appellate Court in accordance with Supreme Court Rules 22(g) and 303.” 820 ILCS 305/19(f)(2) (West 2018). Pursuant to Illinois Supreme Court Rule 303(a)(1) (eff. July 1, 2017), a party seeking to appeal a final judgment of the circuit court must file a notice of appeal with the clerk of the circuit court within 30 days of the entry of the order from which the appeal is taken or within 30 days after the entry of an order disposing of the last pending post-judgment motion. *Granite City Lodge No. 272, Loyal Order of the Moose v. City of Granite City*, 141 Ill. 2d 122, 126 (1990). “The timely filing of a notice of appeal is both jurisdictional and mandatory.” *Secura Ins. Co. v. Illinois Farmers Ins. Co.*, 232 Ill. 2d 209, 213 (2009).

¶ 11 In this case, employer did not file a notice of appeal with the clerk of the circuit court within 30 days of the entry of the court’s order confirming the Commission’s decision. The court’s order was filed on July 3, 2019, and employer filed a notice of appeal with the clerk’s office on August 5, 2019. Because employer failed to file a timely notice of appeal, this court lacks jurisdiction and must dismiss this appeal. Although dismissal is a harsh result, we note that employer could have sought an extension of time to file a late notice of appeal under Rule 303(d)

but failed to do so. See Ill. S. Ct. R. 303(d) (eff. July 1, 2017) (a reviewing court may allow leave to file a late notice of appeal if a motion supported by a showing of reasonable excuse for failure to file a timely notice of appeal is filed within 30 days after the expiration of time for filing a notice of appeal).

¶ 12

III. Conclusion

¶ 13 For the foregoing reasons, we dismiss this appeal for lack of appellate jurisdiction.

¶ 14 Dismissed.