

STATE OF ILLINOIS)
) SS.
COUNTY OF ADAMS)

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|--------------------------------------------------------|----------------------------------------------------------------|
| <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="checkbox"/> Second Injury Fund (§8(e)18) |
| <input type="checkbox"/> Modify | <input type="checkbox"/> PTD/Fatal denied |
| | <input checked="" type="checkbox"/> None of the above |

BEFORE THE ILLINOIS WORKERS' COMPENSATION COMMISSION

KANDIS CONNOUR,

Petitioner,

vs.

NO: 06 WC 54982
16IWCC 0666

KETTERMAN COMMUNICATIONS,

Respondent,

CORRECTED DECISION AND OPINION ON REVIEW

Timely Petition for Review having been filed by the Petitioner herein and notice given to all parties, the Commission, after considering the issue of "Improper Dismissal and Denial of Reinstatement" and being advised of the facts and law, dismisses Petitioner's Petition for Review for lack of jurisdiction.

On August 5, 2015, a hearing was held before Arbitrator Dearing on Petitioner's Motion to Reinstate and a record was made. Petitioner's motion was denied by Arbitrator Dearing on that date. Petitioner timely filed her Petition for Review on August 25, 2015. However, Section 19(b) of the Act provides:

Unless a petition for review is filed by either party within 30 days after the receipt by such party of the copy of the decision and notification of time when filed, and unless such party petitioning for a review shall within 35 days after the receipt by him of the copy of the decision, file with the Commission either an agreed statement of the facts appearing upon the hearing before the Arbitrator, or if such party shall so elect a correct transcript of evidence of the proceedings at such hearings, then the decision shall become the decision of the Commission and in the absence of fraud shall be conclusive. ... The Commission, or any member thereof, may grant further time not exceeding 30 days, in which to file such agreed statement or transcript of evidence.

In the case at bar, there was no stenographic stipulation, which would waive the jurisdictional

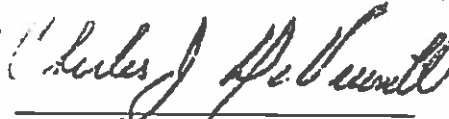
defect of Petitioner's failure to timely file the transcript on review. See *Ingrassia Interior Elements v. IWCC*, 981 N.E.2d 1143 (2nd Dist., 2012), *Pocahontas Mining Co. v. IC*, 301 Ill. 462 (1922), *Gould Const. Co. v. IC*, 311 Ill. 472 (1924).

Petitioner has failed to perfect her review due to her failure to timely file the transcript of the proceedings held on August 5, 2015, within 35 days of receipt of the Arbitrator's decision. Petitioner represented on the Petition for Review form that the arbitration decision was received by her on August 5, 2015. Petitioner did not request a 30-day extension as provided for in the Act so that is not a factor in this case. And, to the Commission's knowledge, Petitioner has yet to file the transcript over a year later.


IT IS THEREFORE ORDERED BY THE COMMISSION that Petitioner's Petition for Review is dismissed for lack of jurisdiction.

DATED: NOV 21 2016


SE/
O: 10/5/16
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Charles J. DeVriendt



Mario Basurto



Joshua D. Luskin