2026 IL App (1st) 251994-U
Order filed: June 30, 2026

FIRST DISTRICT
THIRD DIVISION

No. 1-25-1994

NOTICE: This order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

CYNTHIA DONALD, Plaintiff-Appellant, v. THE RETIREMENT BOARD OF THE POLICEMEN'S ANNUITY AND BENEFIT FUND OF THE CITY OF CHICAGO, Defendant-Appellee.	)	Appeal from the Circuit Court of Cook County. No. 2024 CH 09023 Honorable William B. Sullivan, Judge, presiding.

JUSTICE ROCHFORD delivered the judgment of the court.
Justices Lampkin and Reyes concurred in the judgment.

ORDER

¶ 1 *Held*: We confirmed the Board's decision to deny a duty disability pension and grant an ordinary disability pension, where the Board's determination that the police officer was not injured in the performance of an "act of duty" was proper.

¶ 2 Plaintiff-appellant, Cynthia Donald, appeals from an order of the circuit court that confirmed the decision of the Retirement Board of the Policemen's Annuity and Benefit Fund of the City of Chicago (Board), denying her application for a duty disability pension pursuant to section 5-154 of the Illinois Pension Code (Code) (40 ILCS 5/5-154 (West 2024)) but granting her an ordinary disability pension pursuant to section 155 of the Code (*id.* § 5-155). For the following reasons, we confirm the Board's decision and affirm the judgment of the circuit court.

¶ 3 On July 2, 2021, Donald filed an application for disability benefits under the Code. Therein, she asserted that she had been a police officer employed by the Chicago Police Department (CPD) since 2006. However, she claimed she had since become disabled due to an "incident" that occurred while she was on duty. As the record shows, Donald's duty disability claim rested on her assertion that she had developed post traumatic stress disorder (PTSD) as a result of sexual harassment and abuse committed by former CPD Superintendent Eddie Johnson.

¶ 4 The matter proceeded to a hearing before the Board in June 2024. Due to the sensitive nature of the evidence relating to the sexual harassment and abuse we set forth only the facts relevant to this appeal.

¶ 5 Donald testified that she has served as a CPD officer for over 17 years. In May 2016, she was assigned to work directly for Johnson, "on the superintendent detail." While assigned to this detail, Donald did not respond to calls for service or make arrests. Rather, she would accompany Johnson to various events and meetings, take notes, and follow up on questions raised at such events and meetings. She eventually also served as a driver for Johnson.

¶ 6 At times, Donald would change into civilian clothes to attend functions with Johnson. Johnson allowed Donald and other employees to use the personal area of his office to change. It was while she was changing clothes in that part of the office that Johnson first sexually harassed and abused her while on duty. That harassment and abuse continued for the next two years. Donald testified that she felt trapped in the situation due to Johnson's role as Superintendent and that she felt she and her son could be in danger if she came forward with any allegations against Johnson. At the hearing, Donald acknowledged that sexual harassment and abuse in the workplace were not uniquely suffered by those employed as a police officer.

¶ 7 The Board also heard testimony from two medical professionals: Dr. Nicole Thompson, a licensed clinical professional counselor, who had treated Donald since 2020, and Dr. Steven Rothke, a licensed clinical psychologist, who had been selected by the Board to perform an independent medical examination in connection with Donald's disability claim. As part of his independent medical examination, Dr. Rothke conducted three evaluations of Donald.

¶ 8 Both Dr. Thompson and Dr. Rothke opined that Donald had suffered PTSD due to Johnson's conduct. Additionally, both Dr. Thompson and Dr. Rothke concluded that Donald should not return to duty as a police officer. Dr. Rothke opined that it was unlikely that Donald would ever be able to return to work as a police officer. Nevertheless, each medical professional recognized that sexual harassment and abuse in the workplace were not uniquely suffered by those employed as a police officer.

¶ 9 The Board admitted a report from Dr. Barbara Ziv, a psychiatrist retained by Donald to perform a psychological examination in connection with a separate lawsuit brought by Donald in federal court against Johnson and the City of Chicago stemming from the sexual harassment and abuse (federal case). The appendix to the report contained documents pertaining to the federal case, including the complaint and Dr. Ziv's review of the written and deposition testimony. Dr. Ziv diagnosed Donald as having PTSD as a result of Johnson's sexual harassment and abuse. Dr. Ziv cited a report released by the United States Equal Employment Opportunity Commission titled "Select Task Force on the Study of Harassment in the Workplace," recognizing that sexual harassment and abuse were prevalent in other types of workplaces.

¶ 10 The Board later received into evidence the memorandum opinion and order in the federal case which entered summary judgment against Donald (federal opinion). Donald objected, arguing that it was not relevant and prejudicial in that the federal opinion was based on a different standard

of law than the proceeding in front of the Board. The Board overruled Donald's objection recognizing that the federal summary judgment standard was in no way related to Donald's burden of proof in her case before the Board. The Board further noted that the federal opinion was being admitted for the purpose of introducing facts.

¶ 11 The documentary evidence included Donald's statement detailing numerous specific incidents of Johnson's acts of sexual harassment and abuse. The records showed that Johnson had maintained that the sexual relationship was consensual.

¶ 12 At the conclusion of the hearing, the Board voted to deny Donald a duty disability pension under the Code but to grant her an ordinary disability pension. A written order reflecting the Board's decision was issued on August 30, 2024.

¶ 13 Therein, the Board explained that pursuant to the Code, Donald had the burden of establishing that her PTSD rendered her unable to work as a police officer, and that her PTSD occurred due to performing an "act of duty." While the evidence supported all the other necessary elements, the Board concluded that the sexual harassment and abuse Donald suffered was not incurred in the performance of an "act of duty." In reaching this conclusion, the Board noted that: (1) the evidence established that Donald was not engaged in regular police duties while assigned to Johnson's detail, (2) each of the medical professionals, and even Donald, herself, acknowledged that sexual abuse and harassment in the workplace was not unique to those employed as police officers, and (3) the facts at issue here were analogous to other previous cases where a duty disability pension was denied to a police officer.

¶ 14 Donald timely sought administrative review of the Board's decision in the circuit court. In an order entered on September 3, 2025, the circuit court confirmed the decision of the Board. Donald filed a timely notice of appeal from that decision on September 30, 2025.

¶ 15 On appeal, we first address the Board's request—made in its response brief—that we strike Donald's opening brief and dismiss this appeal for the failure of Donald's brief to comply with Illinois Supreme Court Rule 341(h) (eff. Oct. 1, 2020). Rule 341 governs the form and contents of appellate briefs. *McCann v. Dart*, 2015 IL App (1st) 141291, ¶ 12. Compliance with Rule 341 is mandatory. *Rosestone Investments, LLC v. Garner*, 2013 IL App (1st) 123422, ¶ 18. Where an appellant's brief contains numerous Rule 341 violations that impede our review of the case, we may strike the brief and dismiss the appeal. *Id*.

¶ 16 Donald's brief does fail to fully comply with Rule 341 in several respects, including an insufficient statement of facts and a failure to cite authority for several arguments raised on appeal. See Ill. S. Ct. R. 341(h) (eff. Oct. 1, 2020) (requiring an appellant's brief to include, *inter alia*: (1) a statement of facts that contains "the facts necessary to an understanding of the case, stated accurately and fairly without argument or comment, and with appropriate reference to the pages of the record on appeal," and (2) an argument, "which shall contain the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relied on.") However, striking a brief and dismissing the appeal is a harsh sanction and is only appropriate where a violation of the procedural rules hinders our review. *Litwin v. County of LaSalle*, 2021 IL App (3d) 200410, ¶ 11. Here, we conclude that Donald's violations have not hindered our review of the issues raised on appeal, except where noted, and elect to address them on the merits.

¶ 17 Donald argues that the Board erred in denying her application for a duty disability pension where the evidence established that she sustained PTSD in performing her job as a police officer. The Board maintains that Donald failed to prove that her condition resulted from an act of duty.

¶ 18 Judicial review of the Board's decision is governed by the Administrative Review Law. 40 ILCS 5/5-228 (West 2024). In administrative review cases, we review the decision of the

administrative agency, not the decision of the circuit court. *Abbate v. Retirement Board of Policemen's Annuity & Benefit Fund of City of Chicago*, 2022 IL App (1st) 201228, ¶ 32.

¶ 19 The applicable standard of review depends on whether the issue presented is a question of law, a question of fact, or a mixed question of fact and law. *Id*. ¶ 33. Questions of law are reviewed *de novo*, questions of fact are reviewed under the manifest weight of the evidence standard, and mixed questions of law and fact are reviewed under the clearly erroneous standard. *Medponics Illinois, LLC v. Department of Agriculture*, 2021 IL 125443, ¶ 29. Donald argues that *de novo* review applies, while the Board argues that the manifest weight of the evidence standard applies or, in the alternative, that the clearly erroneous standard applies.

¶ 20 " 'A mixed question exists where the historical facts are admitted or established, the rule of law is undisputed, and the only issue is whether the facts satisfy the settled statutory standard.' " *Fedorski v. Board of Trustee of Aurora Police Pension Fund*, 375 Ill. App. 3d 371, 373 (2007) (quoting *Dowrick v. Village of Downers Grove*, 362 Ill. App. 3d 512, 515 (2005)). Here, whether Donald's injury resulted from an "act of duty," " "involves an examination of the legal effect of a given set of facts,' " which constitutes a mixed question of fact and law. *Griffin v. Village of New Lenox Police Pension Fund*, 2021 IL App (3d) 190557 (quoting *City of Belvidere v. Illinois State Labor Relations Board*, 181 Ill. 2d 191, 205 (1998)). Therefore, we will review the Board's decision under the clearly erroneous standard and "will reverse only if, after review of the entire record, we are ' "left with the definite and firm conviction that a mistake has been committed." ' " *Merlo v. Orland Hills Police Pension Board*, 383 Ill. App 3d 97, 100 (2008). However, we would reach the same conclusion in this case regardless of the applicable standard of review.

¶ 21 In an application for duty disability pension benefits, the applicant bears the burden of proof in establishing both a disability and that the disability resulted from an injury incurred during

an act of duty. *Terrano v. Retirement Board of Policemen's Annuity & Benefit Fund of City of Chicago*, 315 Ill. App. 3d 270, 274 (2000). The Board is responsible for resolving any conflicts within the evidence and whether the officer's disability resulted from performance of duties as a police officer. *Swanson v. Board of Trustees of Flossmoor Police Pension Fund*, 2014 IL App (1st) 130561, ¶ 31.

¶ 22 Under section 5-154(a) of the Code (40 ILCS 5/5-154(a) (West 2024)), a police officer who has become disabled in the performance of "act of duty" is entitled to a duty disability pension benefit. An active police officer who is disabled in the performance of an act of duty has the right to receive duty disability benefits, equaling 75% of the officer's salary during a period of disability for which he does not receive a salary. *Id*. A police officer who becomes disabled other than from the performance of an act of duty is entitled to ordinary disability pension benefits equal to 50% of the salary at the time the disability occurs. *Id.* § 5/5-155.

¶ 23 A police officer does not perform an "act of duty" simply due to the fact that they were "on duty." *Sarkis v. City of Des Plaines*, 378 Ill. App 3d 833, 837 (2008). There must be "[s]omething more" than just being "on duty" to receive a duty pension. *Jones v. Board of Trustees of the Police Pension Fund of the City of Bloomington*, 384 Ill. App. 3d 1064, 1069 (2008). The Code defines an "act of duty" as:

> "inherently involving special risk, not ordinarily assumed by a citizen in the ordinary walks of life, imposed on a policeman by the statutes of this State or by the ordinances or police regulations of the city in which this Article is in effect or by a special assignment; or any act of heroism performed in the city having for its direct purpose the saving of the life or property of a person other than the policeman." 40 ILCS 5/5-113 (West 2024).

¶ 24 "Not all police functions involve 'special risk.' " *Jones*, 384 Ill. App. 3d at 1070 (citing *Morgan v. Retirement Board of the Policemen's Annuity & Benefit Fund*, 172 Ill. App. 3d 273, 277 (1988). However, a police officer need not be engaged in "inherently dangerous activities" to be involved in an "act of duty" for purposes of the Code. *Johnson v. Retirement Board of Policeman's Annuity & Benefit Fund*, 114 Ill. 2d 518, 521-22 (1986). Where an officer is alleging disability based on work-related psychological issues, the officer must demonstrate that their disabilities " 'are the result of a specific, identifiable act of duty unique to police work.' " *Robbins v. Board of Trustees of Carbondale Police Pension Fund of City of Carbondale*, 177 Ill. 2d 533, 542 (1997) (quoting *Trettenero v. Police Pension Fund*, 268 Ill. App. 3d 58, 63 (1994)).

¶ 25 In *Johnson*, 114 Ill. 2d at 518, our supreme court addressed the meaning of "special risk." The plaintiff officer, while performing traffic-control duties, responded to a citizen's request for assistance regarding a traffic accident. *Id.* at 520. While crossing the street, he slipped on wet pavement, fell, and was injured. *Id.* The Board denied the plaintiff's duty disability application reasoning that the plaintiff's injury was not the result of a "special risk." *Id.* Our supreme court rejected the Board's interpretation, holding that "special risk" did not include only "inherently dangerous activities." *Id.* at 521. The court reasoned that, because the plaintiff was required to respond and had to keep his "attention and energies directed towards being prepared to deal with any eventuality," he was engaged in an act involving a special risk not assumed by ordinary citizens. *Id.* at 522. The court noted that police officers assigned to duties that involve protection of the public often discharge those duties by performing acts similar to those involved in civilian occupations. *Id.* The court further explained that, in determining whether an injury occurred while in the act of duty, "[t]he crux is the capacity in which the police officer is acting." *Id.*

¶ 26 Following *Johnson*, this court has, on numerous occasions, analyzed whether an officer was injured in the performance of an act of duty.

¶ 27 Here, the Board, relying on *Morgan*, 172 Ill. App. 3d at 273, *Fedorski*, 375 Ill. App. 3d at 371–72, *Filskov v. Board of Trustees of Northlake Police Pension Fund*, 409 Ill. App. 3d 66, 68 (2011), *Summers v. Retirement Board of the Policemen's Annuity and Benefit Fund of the City of Chicago*, 2013 IL App (1st) 121345, ¶ 4, and *Olson v. City of Wheaton Police Pension Board*, 153 Ill. App. 3d 595 (1987), concluded that Donald failed to prove that the sexual abuse and harassment, which caused her PTSD, occurred in the performance of an act of duty. Specifically, the Board found that Donald was not performing any duties involving special risk not ordinarily assumed by civilians when she was sexually abused and harassed by Johnson. The Board further found that the sexual abuse and harassment that she endured were not unique to police work.

¶ 28 In *Morgan*, 172 Ill. App. 3d at 273, while filling out police reports, the plaintiff officer attempted to sit in a chair which rolled away from him, causing him to fall on the floor. The reviewing court concluded that he was not injured in an "act of duty." *Id.* at 276-77. The court observed that "countless civilian occupations do involve the completion of reports" and "while completing such reports, many civilians sit or attempt to sit in chairs." *Id.*

¶ 29 In *Fedorski*, 375 Ill. App. 3d at 371–72, the plaintiff officer, who was working as an evidence technician, was injured while riding in a squad vehicle back to the police station to complete an investigation. The reviewing court concluded that he was not injured in an "act of duty." *Id.* The court noted that the officer "was not acting in a capacity that entailed any special risk at that particular time" and he "was merely riding in an automobile and he faced risks essentially no different from those faced by any other automobile passenger." *Id.* at 375–76. In reaching its conclusion, the court stated that "the proper focus is on the particular activities the

officer is engaged in when he or she is injured," not the title or general nature of the officer's duty assignment. *Id.* at 376.

¶ 30 In *Filskov*, 409 Ill. App. 3d at 68, the plaintiff officer was injured when another officer inadvertently drove the squad vehicle over his foot. The reviewing court concluded that he was not injured in an "act of duty." *Id.* The court concluded he was not injured as a result of a "special risk arising from his being a police officer" and the "capacity in which he was acting was that of a passenger entering a motor vehicle, which is the same activity all passenger civilians do everyday." *Id.* at 72–73.

¶ 31 In *Summers,* 2013 IL App (1st) 121345, ¶ 4, the plaintiff officer worked for the equipment and supply section, delivering police equipment to police facilities and was injured when a box he was lifting fell out of his hands. *Id.* ¶¶ 4-5. The reviewing court concluded that he was not injured in an act of duty. *Id.* ¶ 41. The court, instead, found that the plaintiff sustained his injury while acting in the capacity of a delivery person, an activity with a "clear counterpart in civilian life." (Internal quotation marks omitted.) *Id.*

¶ 32 In *Olson*, 153 Ill. App. 3d at 595, the plaintiff officer suffered from migraine headaches caused by job-related stress resulting from differences in management styles between him and his supervisor, charges brought against him, and from being assigned as a patrol officer. The reviewing court concluded that he was not injured in an "act of duty." *Id.* at 599-600. The court reasoned that "[c]ivilians regularly suffer stress in their employment resulting from conflicts with their superiors, complaints that are filed against them in connection with their jobs, and the assignment of tasks which they deem unsuitable for their position." *Id.*

¶ 33 There is no question that Donald suffers from PTSD. All three experts concluded that her PTSD was the result of the sexual harassment and abuse inflicted by Johnson. It is not disputed that she is disabled and cannot return to work.

¶ 34 Nonetheless, the evidence in the record along with the case law supports the Board's determination that Donald was not injured in the performance of an act of police duty. The sexual abuse and harassment did occur while Donald was on duty. She was performing duties as a member of the Superintendent's detail which she described as accompanying Johnson to various events and meetings, taking notes, and following up on questions raised at the events and meetings. For some events, she would change to civilian clothes before leaving headquarters. She also served as a driver for Johnson and drove him to meetings and other functions, but not to emergencies or crime scenes. While on duty and serving on this detail, she did not respond to calls for service or make arrests. Her duties did not present the types of special risks which are unique to police work.

¶ 35 Further, Drs. Rothke, Thompson, and Ziv and Donald, herself, recognized the sad truth that sexual harassment and abuse in the workforce are not unique to police work and are prevalent in other types of workforces. Unfortunately, civilians regularly suffer sexual harassment and abuse in their employment resulting from the acts of their superiors.

¶ 36 Donald argues, without citing any legal authority, that the sexual abuse and harassment that she endured was in fact unique to police work. She explained that, unlike a "Walmart supervisor," who sexually abuses a subordinate, Johnson had the ability to compel a subordinate using or threatening to use his police authority. Even if we agreed with Donald, nothing in the record shows that Johnson threatened or used his police powers to sexually abuse and harass her. She has failed to establish that, other than Johnson's general supervisory authority over her, that her assignment to his personal detail established a special risk not confronted by civilians.

¶ 37 Citing *Alm*, 352 Ill. App. 3d at 595, Donald argues that a special risk was involved in being a driver for Johnson. In *Alm*, the plaintiff officer, a member of his police department's bicycle patrol unit, injured his knee while pedaling his bicycle. *Id.* at 596-97. The reviewing court concluded that he was injured in an act of duty. The court found that the plaintiff was performing duties involving special risk because it had no clear counterpart in civilian life. *Id.* at 602-03. The court rejected an argument that the officer was simply riding a bicycle and, instead, noted that the focus was on the capacity in which the officer was acting—on bicycle patrol. *Id.* at 602. The court found that in the capacity of bicycle patrol officer, the officer faced special risks not faced by ordinary citizens, including (1) riding the bicycle at night over varying terrain; (2) looking out for his own personal safety while also remaining diligent in the performance of his patrol duties; and (3) carrying a significant amount of additional weight. *Id.* at 601. Even though the officer did not face those special risks at the exact time he suffered the injury, the officer was performing an act of duty when he suffered his injury and was entitled to line-of-duty benefits. *Id.*

¶ 38 Donald argues that the Board, as the court did in *Alm*, should have focused on the capacity in which she was acting, rather than the nature of her duties. She argues that she assumed a special risk as a driver for Johnson. We find that *Alm* does not support a reversal of the Board's finding that Donald was not disabled in the performance of an act of duty. The officer in *Alm*, while, on patrol, was riding a bike when he was injured. Donald in driving Johnson was not on patrol and did not respond to calls.

¶ 39 For these reasons, the Board's finding that Donald was not disabled in the performance of an act of duty and its denial of duty disability pension benefits were not clearly erroneous.

¶ 40 Donald further contends that the Board erred when, over her objection, it admitted into the record the federal opinion. Donald does not cite any legal authority in support of this argument, in

violation of Rule 341(h)(7) (eff. Oct. 1, 2020). She further does not meaningfully attempt to articulate a reason why this constituted reversible error but indicates that the admission of the federal opinion was highly prejudicial as the standard of review in the federal case was different than that in front of the Board. "Arguments that do not comply with Rule 341(h)(7) do not merit consideration on appeal and may be rejected by this court for that reason alone." *Wells Fargo Bank, N.A. v. Sanders*, 2015 IL App (1st) 141272, ¶ 43. Accordingly, the argument is forfeited. See Ill. S. Ct. R. 341(h)(7) (eff. Oct. 1, 2020) ("Points not argued are forfeited."); and *Sanders*, 2015 IL App (1st) 141272, ¶ 43 (concluding that issue was forfeited where defendant failed to comply with Rule 341(h)(7)). Further, Donald has not shown prejudice where the hearing officer acknowledged that the legal standard in the federal case was different and clarified that the federal opinion was admitted solely for the purpose of introducing facts, which were also introduced into evidence through exhibits and testimony before the Board. See 735 ILCS 5/3-111(b) ("Technical errors in administrative proceedings before the administrative agency or its failure to observe the technical rules of evidence shall not constitute grounds for the reversal of the administrative decision unless it appears to the court that such error or failure materially affected the rights of any party and resulted in the substantial injustice to him or her.").

¶ 41 For the foregoing reasons, the Board's decision to deny plaintiff a duty disability pension but to grant an ordinary disability pension is confirmed and the judgment of the circuit court is affirmed.

¶ 42 Circuit court judgment affirmed.

¶ 43 Board decision confirmed.