2022 IL App (1st) 192332WC-U

Workers' Compensation
Commission Division
Order Filed: January 14, 2022

No. 1-19-2332WC

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

STAN LESNICKI,	)	Appeal from the
	)	Circuit Court of
Appellant,	)	Cook County
	)	
v.	)	Nos. 19 L 050104
	)	
	)	
THE ILLINOIS WORKERS' COMPENSATION	)	
COMMISSION *et al.*,	)	Honorable
	)	Mary Colleen Roberts,
(ITT Goulds, Appellee).	)	Judge, Presiding.

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

ORDER

¶ 1 *Held:* Finding that the decision of the Illinois Workers' Compensation Commission is not against the manifest weight of the evidence, we affirmed the order of the circuit court which confirmed that decision.

¶ 2 The claimant, Stan Lesnicki, appeals from an order of the circuit court of Cook County which confirmed a decision of the Illinois Workers' Compensation Commission (Commission)

denying him benefits pursuant to the Illinois Workers' Compensation Act (Act) (820 ILCS 305/1 *et seq.* (West 2010)), for injuries he is alleged to have sustained while working for ITT Gould (ITT). For the reasons which follow, we affirm.

¶ 3 On March 21, 2013, the claimant filed an application for adjustment of claim pursuant to the Act, seeking benefits for injuries he is alleged to have sustained while working for ITT on April 11, 2011. Following an arbitration hearing held on April 13, 2018, the arbitrator issued a written decision on July 2, 2018, finding that the claimant "did not sustain an accident that arose out of and in the course of employment." The arbitrator specifically found that the claimant's testimony was not credible. The arbitrator denied the claimant benefits pursuant to the Act.

¶ 4 The claimant filed a petition for review of the arbitrator's decision before the Commission. On January 18, 2019, the Commission issued a unanimous decision affirming and adopting the arbitrator's decision.

¶ 5 The claimant sought a judicial review of the Commission's decision in the circuit court of Cook County. On October 21, 2019, the circuit court entered an order confirming the Commission's decision. This appeal followed.

¶ 6 On October 7, 2020, the claimant filed a *pro se* brief consisting of 3 pages, setting forth the facts which he deems relevant and requesting that the circuit court's order be reversed and the matter remanded for "further review and favorable outcome." Before addressing the merits of this appeal, we comment on the claimant's brief.

¶ 7 Illinois Supreme Court Rule 341 require that an appellant's brief contain: a table of contents, including: a summary statement entitled "Points and Authorities" of the points argued and the authorities cited in the argument; a statement of the issue or issues presented for review;

a concise statement of the applicable standard of review for each issue with citation to authority; a statement of jurisdiction; a statement of facts containing the facts necessary to an understanding of the case stated with appropriate reference to the pages of the record on appeal; and an argument containing the contentions of the appellant and the reasons therefore with citation of the authorities and the pages of the record relied on. Ill. S.Ct. R 341(h)(1), (3), (4), (6), (7) (eff. July 1, 2008). The claimant's brief in this case contains no table of contents, no statement of the applicable standard of review, and no statement of jurisdiction. The statement of facts contained in the claimant's brief contains no references to pages in the record, and there are no citations to authority supporting the claimant's arguments.

¶ 8 This court is "not a repository into which an appellant may foist the burden of argument and research." *Velocity Investments LLC v. Alston,* 397 Ill. App. 3d 296, 297 (2010). It is not the court's job to sift through the record or do legal research to find support for the claimant's arguments. *In re Marriage of Kiferbaum,* 2014 IL App (1st) 130736, ¶ 21. This court is entitled to have the issues on appeal clearly defined with citation to authority and a cohesive legal argument presented. Illinois Supreme Court Rules governing the content of an appellant's brief are not merely advisory suggestions, they are rules necessary for the efficient administration of the court's. *Id.*, ¶ 20. An appellant's *pro se* status does not relieve him of the duty to comply with Illinois Supreme Court Rules governing the required content of briefs. *Wing v. Chicago Transit Authority,* 2016 IL App (1st) 153517, ¶ 7.

¶ 9 The deficiencies in the claimant's brief in this case would not only justify our striking the brief and considering the arguments contained therein forfeited, they would justify our striking the

brief in its entirety and dismissing this appeal. *In re Marriage of Kiferbaum,* 2014 IL App (1st) 130736, ¶ 21. However, in the name of judicial economy, we elect not to strike the claimant's brief and to address the issue as we understand it on the merits.

¶ 10 The claimant appears to argue that the Commission's finding that he failed to prove that he sustained accidental injuries which arose out of and in the course of his employment with ITT is against the manifest weight of the evidence. We disagree.

¶ 11 To obtain compensation under the Act, a claimant must establish by a preponderance of the evidence that he suffered a disabling injury that arose out of and in the course of his employment. *Land & Lakes Co. v. Industrial Comm'n,* 359 Ill. App. 3d 582, 591-92 (2005). Whether a causal relationship exists between a claimant's employment and his condition of ill-being is a question of fact to be resolved by the Commission, and its resolution of the issue will not be disturbed on review unless it is against the manifest weight of the evidence. *Certi-Serve, Inc. v. Industrial Comm'n,* 101 Ill. 2d 236, 244 (1984). For the Commission's resolution of a fact question to be contrary to the manifest weight of the evidence, an opposite conclusion must be clearly apparent. *Tolbert v. Illinois Workers' Compensation Comm'n,* 2014 IL App (4th) 130523WC, ¶ 39. Whether a reviewing court might reach the same conclusion is not the test of whether the Commission's determination of a question of fact is supported by the manifest weight of the evidence. Rather, the appropriate test is whether there is sufficient evidence in the record to support the Commission's determination. *Benson v. Industrial Comm'n,* 91 Ill. 2d 445, 450 (1982).

¶ 12 The claimant testified that he was employed by ITT as an operation technician. Although the application for adjustment of claim filed by the claimant in this case states that he was injured when working for ITT on April 11, 2011, at arbitration, he testified that he was injured while

working for ITT on April 20, 2011, when he was struck in the head by a steel bar on a vertical burn belt. According to the claimant, the steel bar struck him on the right side of his head, causing him to strike his head and back on the machinery. The claimant testified that he reported the incident to his supervisor, David Joslyn, and the facility manager, Robert Duffy. Neither man testified at the arbitration hearing. Received in evidence at arbitration was an Claim for Disability Benefits form dated April 20, 2011, signed by the claimant which states that he was "injured on adjusting table" at the Chiro One Wellness Center (Chiro) located in Burr Ridge, Illinois.

¶ 13 The medical records of Drs. Joseph Rzucidle, Michael Hejna, Andrew Zelby, S,G. Elias, and Ahrned Elborno were also received in evidence. In his notes of the claimant's visit on March 22, 2011, Dr. Rzucidle recorded that the claimant was seen for hyperlipidemia. In a note dated April 20, 2011, Dr. Rzucidle recorded that the claimant was being seen that day for thoracic spine pain that started following a chiropractic manipulation in March. Dr. Rzucidle referred the claimant to Dr. Hejna, an orthopedic surgeon. In connection with the claimant's disability claim, Dr. Rzucidle signed a form dated April 21, 201, stating that the claimant suffered from thoracic pain. In his notes of 6 other visits by the claimant, Dr. Rzucidle recorded a history of the claimant complaining of thoracic pain resulting from a chiropractic manipulation in March 2011. None of Dr. Rzucidle's records contain a history of the claimant having been injured while working.

¶ 14 Dr. Hejna's notes of the claimant's May 24, 2011 visit state that the claimant was being seen for pain in his upper and mid-level back, the onset of which was March 2011. The history contained in those notes state that the claimant related his symptoms to a chiropractic manipulation. Dr. Heyna ordered an MRI of the claimant's spine which revealed Schmorl's nodes and some edema. The claimant continued to see Dr. Heyna through February 2013. None of Dr.

Heyna's records contain a history of the claimant having been injured while working.

¶ 15 Also on referral from Dr. Rzucidle, the claimant was seen by Dr. Zelby, a neurosurgeon. In a letter dated June 6, 2011, Dr. Zelby wrote that he was seeing the claimant for thoracic pain which began following a chiropractic manipulation at the end of March. Dr. Zelby ordered a CT scan of the claimant's spine. Following the CT scan, the claimant was seen by Dr. Zelby on June 16, 2011. The notes of that visit state that the CT scan revealed some thoracic spondylosis which is degenerative in nature and consistent with age. None of Dr. Zelby's records contain a history of the claimant having been injured while working.

¶ 16 Dr. Elborno's records of his treatment of the claimant beginning in April 2012, contain a history of back pain beginning in March 2011 after a chiropractic manipulation. None of Dr. Elborno's records contain a history of the claimant having been injured while working.

¶ 17 Beginning in March 2016, the claimant was seen by Dr. Elias, an orthopedic surgeon. Dr.Elias's records reflect that the claimant complained of back pain. In a letter dated March 24, 2016, Dr. Elias related the claimant's symptoms to heavy lifting while working for ITT. There is no history in Dr. Elias's records of a specific work-related accident.

¶ 18 The only evidence in the record that the claimant suffered a work-related accident on either April 11, 2011, or April 20, 2011, is the claimant's testimony. There is no evidence that the alleged accident was witnessed by any other person and none of the claimant's medical records, other than the letter authored by Dr. Elias, relate the claimant's symptoms to anything other than a chiropractic manipulation in March 2011.

¶ 19 It was the function of the Commission to assess the claimant's credibility and to assign the weight to be given his testimony. *ABBF Freight System v. Illinois Workers' Compensation*

Commission, 2015 IL App (1st) 141306WC, ¶ 19. The arbitrator specifically found the claimant's testimony was not credible and the Commission adopted the arbitrator's decision.

¶ 20 The records of the claimant's treating physicians, Drs. Rzucidle, Hejna, Zelby, and Elborno, all relate the claimant's condition of ill-being to a chiropractic manipulation in March 2011, and none of those doctors' records contain a history of the claimant having been injured while working. There is no evidence in the record that the claimant suffered an accident while working for ITT in April 2011, other than the claimant's own uncorroborated testimony which the Commission found was not credible. We conclude, therefore, that the Commission's finding that the claimant failed to prove that he sustained accidental injuries out of and in the course of his employment with ITT is not against the manifest weight of the evidence.

¶ 21 Based on the foregoing analysis, we affirm the judgment of the circuit court which confirmed the Commission's decision, denying the claimant benefits pursuant to the Act.

¶ 22 Affirmed.