

APPELLATE COURT OF ILLINOIS, FIRST DISTRICT, WORKERS'
COMPENSATION COMMISSION DIVISION

Concrete Structures of the Midwest v. Illinois Workers'
Compensation Commission

2026 IL App (1st) 242493WC · No. Nos. 1-24-2493WC, 1-24-2521WC, cons. · Decided March 6, 2026

SUMMARY

The Illinois Appellate Court, First District, Workers' Compensation Commission Division, reviewed a workers' compensation dispute involving permanent and temporary disability benefits, maintenance, medical expenses, and statutory penalties and attorney fees. The court affirmed the award of section 19(l) penalties and the other benefits and expenses, but affirmed the setting aside of section 19(k) penalties and section 16 attorney fees because the Commission applied the incorrect burden of proof. The court remanded the penalty and fee issues to the Commission for application of the proper legal standard.

CASE DETAILS

COURT	Appellate Court of Illinois, First District, Workers' Compensation Commission Division
WRITING FOR THE COURT	Justice Barberis; Presiding Justice Holdridge; Justice Rochford; Justice Mullen; Justice Cavanagh
JURISDICTION	Illinois Appellate Court, First District, Workers' Compensation Commission Division
DECIDED	March 6, 2026
DOCKET	Nos. 1-24-2493WC, 1-24-2521WC, cons.
DISPOSITION	remanded
PROCEDURAL POSTURE	Claimant appealed, and employer cross-appealed, from the circuit court's order reviewing and partially modifying the Illinois Workers' Compensation Commission's decision. The appellate court reviewed the circuit court's disposition of workers' compensation benefits, medical expenses, statutory penalties, and attorney fees.
STANDARD OF REVIEW	The Commission's award of section 19(l) penalties is reviewed under the manifest-weight-of-the-evidence standard. Review of section 19(k) penalties and section 16 attorney fees involves determining whether the Commission's findings are contrary to the manifest weight of the

evidence and whether refusal to award the penalties or fees would constitute an abuse of discretion. An error of law constitutes an abuse of discretion.

PRECEDENTIAL VALUE

Published Illinois appellate opinion

PARTIES

Vincent Secor v. Concrete Structures of the Midwest, Illinois Workers' Compensation Commission et al.

TOPICS

workers compensation

administrative law

appellate procedure

standard of review

remedies

PRACTICE AREAS

workers compensation

administrative law

appellate procedure

remedies

QUESTIONS PRESENTED

1. Whether the employer forfeited its challenges to the awards of permanent total disability benefits, temporary total disability and maintenance benefits, and medical expenses by failing to support its appellate arguments with pertinent authority.
2. Whether the Commission's award of section 19(l) penalties for unreasonable delay in payment was against the manifest weight of the evidence.
3. Whether the Commission applied the proper legal standard in awarding section 19(k) penalties and section 16 attorney fees.
4. Whether the circuit court properly set aside the Commission's awards of section 19(k) penalties and section 16 attorney fees and remanded those issues to the Commission.

HOLDINGS

1. An appellee or cross-appellant's arguments that lack the pertinent authority required by Illinois Supreme Court Rule 341(h)(7), as applied through Rule 341(i), may be forfeited. The employer forfeited its challenges to the PTD, TTD and maintenance, and medical-expense awards.
2. The Commission's award of section 19(l) penalties was not against the manifest weight of the evidence because the employer failed to establish an adequate justification for its delayed payment of benefits.
3. Section 19(k) penalties and section 16 attorney fees require a higher showing than section 19(l) penalties: the claimant bears the burden of establishing entitlement based on deliberate delay, bad faith, or improper purpose.

KEY QUOTATIONS

"As a reviewing court, we are entitled to have the issues clearly defined, relevant authority cited, and proper legal arguments presented." (¶ 25)

“If the payment is late, for whatever reason, and the employer or its carrier cannot show an adequate justification for the delay, an award of the statutorily specified additional compensation is mandatory.” (¶ 28)

“This conflation of legal standards is an error of law and an abuse of discretion.” (¶ 31)

FACTUAL BACKGROUND

Vincent Secor, a journeyman concrete carpenter, injured his lower back while lifting and sliding a manhole cover at work on January 12, 2017. He underwent lumbar surgery and developed continuing neurological, pain, bowel, and urinary problems, including cauda equina-related symptoms, requiring extensive treatment, self-catheterization, a wheelchair, and a spinal cord stimulator. Conflicting medical and vocational evidence addressed whether Secor could return to work, but his treating providers ultimately opined that he could not work in any capacity.

PROCEDURAL HISTORY

An arbitrator awarded Vincent Secor temporary total disability, maintenance, permanent and total disability, and medical benefits, along with section 19(k) and 19(l) penalties and section 16 attorney fees. The Commission modified the TTD and maintenance calculations and otherwise adopted the arbitrator’s decision. The circuit court confirmed the Commission’s decision except for the section 19(k) penalties and section 16 fees, which it set aside because the Commission applied the wrong legal standard. The appellate court affirmed the section 19(l) award and the circuit court’s decision setting aside the section 19(k) and section 16 awards, remanding those issues to the Commission for application of the correct standard; it also found the employer’s other cross-appeal arguments forfeited for inadequate briefing.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The Commission must reconsider the section 19(k) penalties and section 16 attorney fees under the correct standards, with the claimant bearing the burden of establishing entitlement based on the required higher showing. The court otherwise affirmed the circuit court’s order, including the section 19(l) penalties and the confirmed benefit and medical-expense awards.

CASES CITED

- Walters v. Rodriguez, 2011 IL App (1st) 103488, ¶ 5
- In re Marriage of Reicher, 2021 IL App (2d) 200454, ¶ 33
- Holzrichter v. Yorath, 2013 IL App (1st) 110287, ¶ 77
- TTC Illinois, Inc./Tom Via Trucking v. Illinois Workers’ Compensation Comm’n, 396 Ill. App. 3d 344, 355 (2009)
- McMahan v. Industrial Comm’n, 183 Ill. 2d 499, 514-16 (1998)
- Jacobo v. Illinois Workers’ Compensation Comm’n, 2011 IL App (3d) 100807WC, ¶¶ 24, 29, 43

- Zitzka v. Industrial Comm’n, 328 Ill. App. 3d 844, 849 (2002)
- Cable America, Inc. v. Pace Electronics, Inc., 396 Ill. App. 3d 15, 24 (2009)
- Koon v. United States, 518 U.S. 81, 100 (1996)

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