

2019 IL App (1st) 181381-U

No. 1-18-1381

Order filed May 22, 2019

Third Division

**NOTICE:** This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST DISTRICT

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ROBERT ANTONSON,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellant,	)	Cook County.
	)	
v.	)	
	)	No. 16 CH 13951
ILLINOIS DEPARTMENT OF HUMAN SERVICES,	)	
and JAMES T. DIMAS, SECRETARY, ILLINOIS	)	
DEPARTMENT OF HUMAN SERVICES,	)	Honorable
	)	Sophia H. Hall,
Defendants-Appellees.	)	Judge, presiding.

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JUSTICE COBBS delivered the judgment of the court.  
Presiding Justice Fitzgerald Smith and Justice Howse concurred in the judgment.

**ORDER**

- ¶ 1 *Held:* This appeal is dismissed as moot because there is no actual controversy for this court to decide.
- ¶ 2 Plaintiff Robert Antonson appeals *pro se* from an order of the circuit court affirming the decision of the Illinois Department of Human Services (“Department”) upholding the issuance of a notice of reconciliation. On appeal, plaintiff contends that the Department “illegally

sanctioned” his Temporary Assistance to Needy Family (“TANF”) benefits and that the circuit court judge was biased against him. For the following reasons, we dismiss this appeal as moot.

¶ 3 The record shows that plaintiff was receiving monthly TANF benefits in the amount of \$474.00 for himself, his wife, and their two children through the Department. On June 15, 2016, plaintiff attended a case management meeting at the Northern Family Community Resource Center (“Center”). The representative issued him a reconciliation notice because his wife, Ionela Antonson, did not appear at the meeting as required. Plaintiff stated that his wife was not at that meeting because she had to pick up their children from school. The notice advised plaintiff that a reconciliation appointment was scheduled for June 29, 2016. The purpose of the appointment was to “[d]ecide if you had good cause for failing to meet the following requirement: Failed to respond to a written notice for a meeting. [Ionela] Antonson failed to show for meeting 6/15/16.” The notice further stated that failing to attend the appointment would result in a sanction.

¶ 4 On June 21, 2016, prior to the reconciliation appointment, plaintiff filed an appeal with the Department requesting a hearing because “[a] sanction was imposed and I disagree with this” and “false statement, wrong notice.”

¶ 5 On June 29, 2016, plaintiff arrived at the reconciliation appointment. Plaintiff’s wife was not present again. He stated that her name was not on the notice, and he refused to sign the reconciliation agreement. Another meeting was scheduled for July 10, 2016.

¶ 6 A hearing regarding plaintiff’s appeal was scheduled for July 20, 2016. The Department sent a letter on July 26, 2016, stating that plaintiff and his wife failed to show up for the hearing and that the Department assumed that plaintiff had abandoned his appeal. Plaintiff then emailed

the Department, stating that they waited at the office for five hours on July 20, 2016 and that they were still “awaiting resolution.” The hearing was rescheduled for August 24, 2016.

¶ 7 At the telephonic hearing, the hearing officer elicited from plaintiff that the basis for his appeal was that he did not agree with the reconciliation notice issued to him. Specifically, he took issue with the content of the notice because it inaccurately stated that his wife failed to attend the meeting. Plaintiff testified that his wife did not receive an “invitation” to the meeting, so she could not have failed to attend it. Plaintiff also testified that he spoke with an individual at the Center who apologized and mentioned that he would “draw an apology letter.” Plaintiff told the hearing officer that he wanted a written apology from the Center worker who gave him the false notice. The hearing officer stated in response that she cannot make any employees apologize to him.

¶ 8 Richard Manabat, the representative for the Center, testified that a sanction was never imposed, that plaintiff’s case was “intact,” and that there was a note from a meeting stating that the “sanction will be removed due to customer’s cooperation[.]”

¶ 9 On September 20, 2016, the Department issued a “Final Administrative Decision” upholding the Center’s issuance of the reconciliation notice. The decision included a brief summary of the above facts and noted that the reconciliation process “allows clients to resolve disputes about the activities in their plan and address why they failed to comply with TANF requirements.” The Department concluded that “the [Center] representative correctly issued the appellant a reconciliation notice which allowed time for the appellant’s wife to comply with TANF requirements without facing a sanction.”

¶ 10 Plaintiff subsequently filed a complaint for administrative review in the circuit court of Cook County, naming the Department, its hearing officer, Manabat, and the Center as defendants. The Department moved to dismiss the hearing officer, Manabat, and the Center from the action, which the court granted. The Department filed a memorandum in support of the Final Administrative Decision, arguing that the claim was moot and requested that the court affirm the Department's decision. Soon after, plaintiff moved for substitution of judge (and later amended the motion), stating the court "denies all [plaintiff's] Motions without any consideration" and he had a "distinct feeling of bias and preset judgment[.]" The Department argued in response that plaintiff failed to meet the requirements for substitution as of right and for cause. The court denied plaintiff's motion for substitution of judge. Plaintiff also filed a motion for discovery, which the court denied. The court then affirmed the Final Administrative Decision of the Department, concluding that it was supported by the manifest weight of the evidence.

¶ 11 On appeal, plaintiff challenges "the veracity of a fabricated documented" issued by the Department and argues that the circuit court judge was biased against him. Plaintiff requests that we: reverse the trial court's order affirming the Department's Final Administrative Decision and the order denying his motion for substitution of judge; reimburse "in full the benefits illegally sanctioned;" and reinstate the benefits he is entitled to.

¶ 12 We initially note that plaintiff has failed to comply with the requirements for briefs filed with this court. Plaintiff's *pro se* brief contains multiple procedural deficiencies pursuant to Illinois Supreme Court Rule 341(h) (eff. Nov. 1, 2017) that hinder this court's ability to conduct a meaningful review of his claims of error. "The purpose of the rules is to require parties to present clear and orderly arguments, supported by citations of authority and the record, so that

this court can properly ascertain and dispose of the issues involved.” *Gruby v. Department of Public Health*, 2015 IL App (2d) 140790, ¶ 12. Although we recognize that plaintiff is proceeding *pro se*, compliance with these rules is mandatory for all litigants. *Voris v. Voris*, 2011 IL App (1st) 103814, ¶ 8. Parties proceeding *pro se* are presumed to know the rules and procedures and must comply with them, just as are those parties who are represented by attorneys. *In re Estate of Pellico*, 394 Ill. App. 3d 1052, 1067 (2009).

¶ 13 In his brief, plaintiff has failed to include a summary statement of points and authorities, a statement of the issues, the applicable standard of review, a statement of jurisdiction, and any citations to the record or legal authority to support his claims. Illinois Supreme Court Rule 341(h)(1), (3), (4), (7) (eff. Nov. 1, 2017). Plaintiff also fails to present the facts and procedural history in a manner that aids our understanding of the case or in a manner that is clear, accurate, without commentary, and with appropriate reference to the record on appeal. See *MHM Services, Inc. v. Assurance Co. of America*, 2012 IL App (1st) 112171, ¶ 2 (finding that the plaintiff’s statement of facts was “argumentative, occasionally lack[ed] citation to the record on appeal, convey[ed] insufficient facts in some respects and irrelevant details in others, and [was] unnecessarily confusing”). Moreover, his arguments ARE incoherent and not based on facts contained in the record. See *Lewis v. Heartland Food Corp.*, 2014 IL App (1st) 123303, ¶ 6 (“[P]laintiff failed to provide a cohesive legal argument or a reasoned basis for his contentions.”).

¶ 14 The appellate court is “not a depository in which the burden of argument and research may be dumped.” *Holzrichter v. Yorath*, 2013 IL App (1st) 110287, ¶ 80. As such, this court has the discretion to strike a brief for failure to comply with the rules and dismiss the appeal.

*Holzrichter*, 2013 IL App (1st) 110287, ¶ 77. However, we do not elect to do so here because we have the benefit of a cogent brief from the Department. See *Twardowski v. Holiday Hospitality Franchising Inc.*, 321 Ill. App. 3d 509, 511 (2001).

¶ 15 The Department argues that this case is moot and the appeal should therefore be dismissed because plaintiff's TANF benefits were not sanctioned, reduced, or terminated following the issuance of the reconciliation notice, and even if they were, the sanctions were removed. In his brief in the trial court, plaintiff seems to acknowledge as much by stating that "this is a matter of principle rather than damages[.]"

¶ 16 "The existence of an actual controversy is an essential requisite to appellate jurisdiction, and courts of review will generally not decide abstract, hypothetical, or moot questions." *In re Andrea F.*, 208 Ill. 2d 148, 156 (2003); see also *In re Marriage of Peters-Farrell*, 216 Ill. 2d 287, 291 ("The existence of a real dispute is not a mere technicality but, rather, is a prerequisite to the exercise of this court's jurisdiction."). An appeal is considered moot where " 'the reviewing court cannot grant the complaining party effectual relief.' " *In re Marriage of Donald B.*, 2014 IL 115463, ¶ 23 (quoting *Steinbrecher v. Steinbrecher*, 197 Ill. 2d 514, 522-23 (2001)).

¶ 17 In this case, there is no evidence in the record that demonstrates that any of plaintiff's TANF benefits were ever sanctioned, reduced, or terminated. The testimony at the administrative hearing confirms that plaintiff's benefits were never affected by the reconciliation notice. Manabat testified that plaintiff's case was intact, he was receiving his benefits, and "nothing shows that the case was sanctioned." He also testified that another Center representative wrote in her meeting notes that the "sanction will be removed." Plaintiff testified that the sanction was overturned. Plaintiff also stated that he wanted a written apology from the Center representative,

who issued the incorrect reconciliation notice, and the hearing officer responded that she cannot order an apology. Similarly, this is not a type of relief this court can grant.

¶ 18 Any prior wrong that may have been committed by the Department, such as a failure to notify plaintiff's wife that she was required to be present, has been remedied as plaintiff and his wife were given subsequent reconciliation appointments to resolve the issue, and if any sanctions were imposed, they were removed. Thus, no actual controversy exists and this claim is moot.

¶ 19 Because plaintiff does not address the Department's mootness argument in his reply brief, it is unnecessary for this court to analyze whether any of the exceptions to the mootness doctrine apply here. See *Felzak v. Hruby*, 226 Ill. 2d 382, 392 (2007); *In re Barbara H.*, 183 Ill. 2d 482, 491 (stating that because the parties did not brief or argue the applicability of an exception, the court shall not address it). Additionally, because we conclude that this appeal is moot, there is no need to address plaintiff's arguments regarding the denial of his motion for substitution of judge.

¶ 20 For the foregoing reasons, we dismiss this appeal as moot.

¶ 21 Appeal dismissed.