E-FILED
Transaction ID: 5-26-0084
File Date: 9/25/2026 11:34 AM
Cortney Kuntze, Clerk of the Court
APPELLATE COURT 5TH DISTRICT

No. 5-26-0084

IN THE
APPELLATE COURT OF ILLINOIS
FIFTH JUDICIAL DISTRICT

STILES MALONE SEYMENS, Plaintiff-Appellant, v. ILLINOIS DEPARTMENT OF EMPLOYMENT SECURITY; DIRECTOR OF THE ILLINOIS DEPARTMENT OF EMPLOYMENT SECURITY; BOARD OF REVIEW; KWAME RAOUL, in his official capacity, and CARBONDALE COMMUNITY HIGH SCHOOL DISTRICT NO. 165, Defendants-Appellees.	)	Appeal from the Circuit Court of the First Judicial Circuit, Jackson County, Illinois Case No. 2025-MR-16 The Honorable MICHAEL A. FIELLO, Judge Presiding.

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NATURE OF THE CASE

The Board of Review ("Board") of the Illinois Department of Employment Security ("Department") issued a final decision affirming a claims adjudicator's determination that Plaintiff-Appellant Stiles Malone Seymens was ineligible for unemployment benefits. The Board found that Seymens had failed to timely pursue an administrative appeal under section 800 of the Unemployment Insurance Act ("Act"), 820 ILCS 405/800 (2024), and thus that it lacked jurisdiction to review the determination. Seymens filed a complaint for administrative review in the circuit court. On November 15, 2025, the circuit court issued an order affirming the Board's determination. Two months after the circuit court issued its order, Seymens filed a petition for relief from judgment under 735 ILCS 5/2-1401 (2024). The circuit court dismissed the petition because Seymens failed to sufficiently allege that he had a meritorious claim and so improperly used the petition as a substitute for a timely appeal. Seymens appealed. Questions are raised on the pleadings.

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ISSUE PRESENTED FOR REVIEW

Whether the circuit court acted within its discretion in dismissing Seymens's section 2-1401 petition because it failed to allege facts to support a meritorious claim to vacate the judgment and instead improperly sought to circumvent the deadline for filing a timely appeal.

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JURISDICTION

This court has jurisdiction over the appeal of the circuit court's dismissal of Seymens's section 2-1401 petition under Ill. Sup. Ct. R. 301. On January 23, 2026, the circuit court issued a docket entry striking and dismissing Seymens's section 2-1401 petition for "failing to state any grounds on which it could be granted." C704.[1] On February 2, 2026, Seymens filed a notice of appeal, C705, which was timely pursuant to Ill. Sup. Ct. R. 303(a)(1) because it was filed within 30 days of the circuit court's judgment.

[1] The one-volume common law record is cited as "C__," and Seymens's opening brief is cited as "AT Br. __."

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STATEMENT OF FACTS

In 2024, Seymens filed an application for unemployment insurance benefits with the Department regarding his alleged position as a substitute teacher. *See* C178-79. On July 16, 2024, the Department mailed Seymens a notice of a claims adjudicator's determination that he was ineligible for certain unemployment benefits. C178. The notice informed Seymens that he could submit "a request for reconsideration/appeal" if he "disagree[d] with" the determination. C179. It further explained that Seymens was required to file any such request with the Department within "thirty . . . calendar days after the date [the] notice was mailed" to him. *Id.* Any request for appeal or reconsideration was therefore due on August 15, 2024. *See id.* Nearly two months after that deadline, on October 7, 2024, Seymens faxed the Department several letters requesting reconsideration of the adjudicator's determination. *See* C182-89.

After a hearing, *see* C282-91, a Department referee affirmed the adjudicator's determination and dismissed Seymens's administrative appeal. C292. The referee found that Seymens failed to appeal the adjudicator's determination within 30 days of mailing, as the Act required. *Id*; *see also* 820 ILCS 405/800 (2024) (adjudicator's determination becomes final unless a claimant appeals it within 30 days after the notification of determination was mailed). On March 3, 2025, the Board affirmed the referee's decision, noting that Seymens did not present evidence during his hearing to explain why his

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appeal was untimely. C415. The Board stated that the referee lacked jurisdiction to review Seymens's appeal because the adjudicator's determination became final when Seymens did not appeal it within thirty days of mailing. *Id.*

On March 14, 2025, Seymens filed a complaint for administrative review in the circuit court. C13. Seymens alleged that the Board "misapplied Illinois unemployment law" in affirming the referee's decision. C14. Seymens did not allege any facts to explain his untimely appeal to the referee or acknowledge that the referee affirmed the administrator's determination based on untimeliness. *See* C13-15. In April 2025, Seymens filed an amended complaint, this time alleging that he "timely appealed" the adjudicator's determination" and was seeking "judicial review of the final administrative decision denying unemployment benefits." C129-30. He then filed his opening brief in support, arguing that in August 2024, he called the Department to inquire about filing an appeal and that a Department employee assured him that the Department would "process an appeal on his behalf or provide the necessary forms." C543-44. Seymens argued that his administrative appeal was "constructively and equitably timely" due to his good faith efforts to comply with the deadline in calling the Department. C549-550. He further urged the circuit court to excuse his late filing based on the doctrines of equitable estoppel and equitable tolling. C550-58.

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The Department responded that the circuit court should affirm the Department's decision based on Seymens's failure to timely appeal the adjudicator's determination. C506-18. As to Seymens's claim to have timely appealed the determination by calling the Department, the Department responded that he failed to present any such evidence in the administrative record and, regardless, such a telephone call would not constitute an appeal. C514-15. The Department similarly argued that he forfeited his equitable tolling and equitable estoppel arguments by failing to raise them before the Board and neither doctrine allowed for the late filing of an appeal. C515-16.

On November 14, 2025, the circuit court issued an order affirming the "decision of Defendants to dismiss [Seymens's] appeal as untimely filed." C682-84. The circuit court determined that that "there [wa]s no evidence in the record that Seymens filed a timely appeal" from the adjudicator's determination to the referee, as required by 820 ILCS 405/800 (2024), and that Seymens's failure to do so was "fatal to his claim." C683.

Seymens did not file a motion to reconsider the circuit court's order or a notice of appeal. *See* 730 ILCS 5/2-1301(e); Ill. S. Ct. R. 303(a). Instead, on January 15, 2026, he filed a petition for relief from judgment under 735 ILCS 5/2-1401 (2024). C688-89. In the petition, Seymens alleged that the "Board of Review's decision [was] contrary to the governing standards under the Administrative Review Law" because it "misapplie[d] controlling law" and was "against the manifest weight of the evidence." C688. He also alleged that "the

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eFileIL docket did not display" the circuit court's November 14 order affirming the Department's decision when he looked at the docket on December 26, 2025 and that he "first saw the judgment on January 15, 2026." *Id.*

The Department responded to Seymens's petition, arguing that relief under section 2-1401 was unwarranted because Seymens failed to plausibly allege that he had a meritorious defense or claim, show that he diligently presented that defense or claim to the circuit court in the original action, or show that he exercised due diligence in filing the section 2-1401 petition. C696-98. The Department attached the circuit court's docket to its response, showing that the circuit court's November 14, 2025 order had been emailed to Seymens the day that it was filed. C699.

The circuit court struck Seymens's petition "for failure to state any grounds on which it could be granted." C703. Specifically, the court held that Seymens "fail[ed] to state a meritorious claim" as required by 735 ILCS 5/2-1401 (2024) by alleging only "generally" that the Board's decision was incorrect. *Id.* The court also noted that Seymens did not exercise his right to appeal its original decision and could not use a section 2-1401 petition as a "second opportunity to argue the merits of the case." *Id.*

Seymens appealed. C705.

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ARGUMENT

I. The standard of review is *de novo*.

Seymens seeks review of the district court's order dismissing his section 2-1401 petition. Section 2-1401 allows relief from a circuit court's final order or judgment when that relief is sought more than 30 days after entry of the order or judgment. 735 ILCS 5/2-1401(a) (2024). To obtain relief under section 2-1401, a petitioner "must affirmatively set forth specific factual allegations" supporting: 1) the existence of a meritorious claim or defense in the original action; 2) due diligence in presenting this claim or defense in the original action; and 3) due diligence in filing the petition. *In re Marriage of Little*, 2014 IL App (2d) 140373, ¶ 9.

A section 2-1401 petition is used to bring facts to the attention of the circuit court that, if known at the time of the challenged judgment, would have precluded that judgment. *Id*. Because a section 2-1401 petition "is the initial pleading in a new proceeding, rather than a pleading seeking relief in the midst of an ongoing case," *Casteel v. Jiminez*, 2022 IL App (1st) 201288, ¶ 20, "'[s]ection 2-1401 petitions are essentially complaints'" and are "subject to dismissal on the same grounds." *In re Adoption of Konieczny*, 2022 IL App (2d) 210333, ¶ 10 (quoting *People v. Vincent*, 226 Ill. 2d 1, 8 (2007)). Thus, when a section 2-1401 petition "fails to state a cause of action or shows on its face that the petitioner is not entitled to relief," it is subject to dismissal. *Marriage of Little*, 2014 IL App (2d) 140373, ¶ 9; *see also Vincent*, 226 Ill. 2d at

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9-10 (circuit courts may dismiss section 2-1401 petitions *sua sponte* where allegations do not entitle petitioner to relief).

The circuit court struck Seymens's section 2-1401 petition for "failing to state any grounds on which it could be granted," C703, which functionally dismissed the petition after the Department challenged the sufficiency of its allegations, *see* C696-98; *see also Casteel*, 2022 IL App (1st) 201288, ¶ 20 (treating circuit court's order as dismissal where "memorandum in opposition" was the "functional equivalent[] of [a] brief[] on a motion to dismiss."); *In re Application for Tax Deed*, 2018 IL App (5th) 170354, ¶ 12 (same result where "the parties and the court" treated circuit court's order as a dismissal).

"[T]he nature of the challenge presented in a section 2-1401 petition" guides the standard of review. *Warren Cnty. Soil & Water Conservation Dist. v. Walters*, 2015 IL 117783, ¶ 31. Courts review *de novo* the dismissal of a section 2-1401 petition for failure to state a claim. *PNC Bank, Nat'l Ass'n v. Kusmierz*, 2022 IL 126606, ¶ 10. The issue of whether a defendant presented a meritorious claim or defense is also "inherently a question of law" and "subject to *de novo* review." *Erickson v. Mitrione*, 2025 IL App (4th) 250297, ¶ 21; *Pekin Ins. Co. v. Campbell*, 2015 IL App (4th) 140955, ¶ 28. This court therefore reviews *de novo* the circuit court's dismissal of Seymens's petition for failure to adequately plead a meritorious claim or defense.

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II. The circuit properly dismissed Seymens's section 2-1401 petition.

The circuit court properly dismissed Seymens's section 2-1401 petition. Seymens failed to include any "specific factual allegations" to support the existence of a meritorious claim or defense, an essential element of a section 2-1401 petition. *See Smith v. Airoom, Inc.*, 114 Ill. 2d 209, 220-21 (1986). Because Seymens did not timely appeal the circuit court's order affirming the Board's decision, this court only has jurisdiction to review the circuit court's order dismissing the section 2-1401 petition, which offers no basis to reverse the circuit court's original order. *See JPMorgan Chase, N.A. v. Ontiveros*, 2015 IL App (2d) 140145, ¶¶ 16-17. But even this court were to review the circuit court's order, the circuit court properly determined that Seymens's failure to timely pursue an administrative appeal was fatal to his claim. C703. Moreover, as the circuit court correctly recognized, Seymens's section 2-1401 petition was an improper attempt to salvage an untimely appeal. *Id.* Accordingly, this court should affirm the circuit court's judgment.

A. Seymens failed to allege a meritorious claim and has no meritorious claim in any event.

The circuit court correctly determined that Seymens's petition failed to allege a meritorious claim. *Id.* A section 2-1401 petition "must provide specific factual allegations supporting" the existence of a meritorious claim or defense. *Erickson*, 2025 IL App (4th) 250297, ¶ 23. Specifically, a section 2-1401 petitioner "must allege facts that would have prevented entry of the judgment if they had been known by the circuit court." *In re Cnty. Treasurer*

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& ex officio Cnty. Collector of Cook Cnty., 2023 IL App (1st) 220070, ¶ 48; *see Physicians Ins. Exch. v. Jennings*, 316 Ill. App. 3d 443, 457 (1st Dist. 2000).

Seymens did not satisfy that standard. Instead, he alleged only that "the Board of Review's decision [was] contrary to the governing standards under the Administrative Review Law," "misapplie[d] controlling law," and "[was] against the manifest weight of the evidence." C688. None of those allegations identify any facts, or even any specific legal claims or defenses, that would have prevented the circuit court from affirming the Board's decision. The circuit court's prior judgment affirmed the Board's decision because there was "no evidence in the record that Plaintiff filed a timely [administrative] appeal." C683. In his section 2-1401 petition, however, Seymens did not identify any evidence in the record of which the circuit court was unaware and should have considered pertaining to the timeliness of his administrative appeal. *See* C688. Instead, he alleged only a generic legal conclusion. *Id.* Dismissal of his section 2-1401 petition was therefore proper. *See OneWest Bank, FSB v. Hawthorne*, 2013 IL App (5th) 110475, ¶ 26 (affirming dismissal of section 2-1401 petition where petitioner "raise[d] only the possibility" of a meritorious defense and failed to allege "specific factual allegations supporting her claim"); *Prenam No. 2, Inc. v. Vill. of Schiller Park*, 367 Ill. App. 3d 62, 66 (1st Dist. 2006) (reversing grant of section 2-1401 petition where petitioner alleged facts pertaining to a meritorious defense "based upon issues which were apparent from the record"); *Mortimer v. River Oaks Toyota, Inc.*, 278 Ill.

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App. 3d 597, 605 (1st Dist. 1996) (upholding denial of section 2-1401 petition where "[n]one of the relevant facts" that petitioners alleged "relate[d] to matters that were not of record at the time judgment was entered").

On appeal, Seymens does not develop an argument explaining why his claim was meritorious, let alone identify any facts or legal challenge that would have prevented the prior judgment, *see* AT Br. 6-23, thereby forfeiting it, *see* Ill. Sup. Ct. R. 341(h); *In re H.B.*, 2022 IL App (2d) 210404, ¶ 41; *see also Victor Twp. Drainage Dist. 1 v. Lundeen Family Farm P'ship*, 2014 IL App (2d) 140009, ¶ 37 (failure to cite authority forfeits claim); *Matlock v. Ill. Dep't of Emp. Sec.*, 2019 IL App (1st) 180645, ¶ 14 ("A party's status as a *pro se* litigant . . . does not relieve him of his obligation to comply with appellate rules."). Without citing any authority, Seymens merely states that "[s]ection 2-1401 does not demand that [he] conclusively prove the ultimate merits at the pleading stage" and claims that it was sufficient for him to "allege that the denial of benefits was wrongful and identif[y] supporting administrative materials." AT Br. 9-10. By failing to explain in his opening brief how his claim had any merit despite his failure to file a timely administrative appeal, however, Seymens forfeited any argument to that effect.

Forfeiture aside, contrary to his characterization, *id.*, Seymens's petition did not identify any "supporting administrative materials" to show that the Department improperly denied him benefits. *See* C688. Regardless, to satisfy the meritorious claim element, Seymens was required to "allege facts

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that would have prevented entry of the judgment if they had been known by the circuit court," rather than broadly claim that the Department's benefits denial was wrongful. *Cnty. Treasurer*, 2023 IL App (1st) 220070, ¶ 48. Here, the circuit court affirmed the Board's decision because Seymens failed to timely appeal the claim adjudicator's determination to the Department referee. C682-84. Because he did not allege any facts related to that decision, the court's dismissal of his section 2-1401 petition was proper.

In any event, Seymens did not have a meritorious claim. To be sure, because Seymens failed to appeal the circuit court's judgment affirming the Board's decision within 30 days of entry, this court lacks jurisdiction to review it. *See* Ill. Sup. Ct. R. 303(a); *Secura Ins. Co. v. Ill. Farmers Ins. Co.*, 232 Ill. 2d 209, 213 (2009) ("The timely filing of a notice of appeal is both jurisdictional and mandatory."). Instead, this court has jurisdiction only to review the denial of Seymens's section 2-1401 petition and any alleged basis to challenge the original judgment. *See JPMorgan Chase*, 2015 IL App (2d) 140145, ¶¶ 16-17 (appellate court had jurisdiction to review "denial of a properly timed section 2[-]1401 petition" but no jurisdiction to review underlying judgment that was not timely appealed); *Smolinski v. Vojta*, 363 Ill. App. 3d 752, 754-56 (1st Dist. 2006) (appellate court "would have been without jurisdiction to entertain any direct challenge" to underlying judgment where appellant belatedly filed section 2-1401 petition instead of timely appeal); *Int'l Indus. Leasing, Ltd. v. H. J. Coleman & Co.*, 66 Ill. App. 3d 884, 888 (1st Dist.

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1977) (appellate court lacked jurisdiction to review circuit court's summary judgment order where petitioner timely appealed only the denial of his section 2-1401 petition). And as the circuit court held, Seymens's petition failed to allege any basis to challenge its original judgment. C703.

But even if this court were to review the circuit court's November 2025 order, Seymens has no meritorious claim because the circuit court properly affirmed the Board's decision. Under the Act, a claim adjudicator's determination becomes final unless a claimant appeals it within 30 days after the notification of determination was mailed to the claimant. 820 ILCS 405/800 (2024). That 30-day appeal deadline is "mandatory" and "strictly" construed. *Maskevich v. Ill. Dep't of Emp. Sec.*, 2022 IL App (1st) 210779, ¶ 20. If a claimant fails to file the appeal within that 30-day period, the Department referee lacks "statutory authority — or jurisdiction — to hear [his] appeal." *Id.* at ¶ 21. As the court properly found, the Department mailed Seymens a notice of the claims adjudicator's decision on July 16, 2024, yet Seymens did not appeal that determination until October 7, nearly two months late. C178; C182; C682-83. The Board thus properly affirmed the dismissal of Seymens's appeal, and the circuit court properly affirmed the Board. *See Maskevich*, 2022 IL App (1st) 210779, ¶ 31 ("Board correctly found that it lacked statutory authority" to consider plaintiff's untimely appeal where he failed to appeal within 30 days of an adjudicator's decision).

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Nor did Seymens's justifications in the administrative proceeding and on administrative review for filing his administrative appeal late render his underlying claim meritorious. When the Department referee asked Seymens to explain his late appeal during his administrative review hearing, Seymens claimed that he belatedly filed his appeal in "good faith" and "recognized the need to appeal" once he reviewed the record and the "relevant legal standards." C286. But those justifications based on "excusable neglect" or "good faith" do not excuse late filings. *Hernandez v. Dep't of Lab.*, 83 Ill. 2d 512, 519 (1981) (plaintiff's inability to understand notice did not excuse late filing of appeal from adjudicator's determination of ineligibility for benefits under the Act). To the contrary, the Board cannot consider claimants' belated appeals from claims adjudicators' determinations because "it lack[s] statutory authority—or jurisdiction" to consider an appeal that was not filed "within the mandatory 30-day period." *Maskevich*, 2022 IL App (1st) 210779, ¶¶ 21, 31.

And before the circuit court, Seymens asserted for the first time that he called the Department in August 2024 for assistance in appealing the adjudicator's determination, and the Department told him that his request would be "taken care of." C543-44. But Seymens offered no evidence to support his new claim that the Department misled him, and even if he had, the court could not consider "evidence outside of the record of the administrative appeal." *Lyon v. Dep't of Child. & Fam. Servs.*, 209 Ill. 2d 264, 271 (2004); 735 ILCS 5/3-110 (2024). Rather, Seymens forfeited the issue for review in the

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circuit court by failing to raise it before the Department in the first instance. *See Masood v. Div. of Pro. Regul.*, 2023 IL App (1st) 220657, ¶ 50.

Because Seymens failed to allege the existence of a meritorious claim — and the underlying record shows that his claim lacked merit in any event — the circuit court properly dismissed Seymens's section 2-1401 petition.

B. Seymens provides no basis to reverse dismissal of his section 2-1401 petition.

Seymens presents several arguments on appeal, but all lack merit.

Seymens primarily argues that he alleged specific, verified facts to support his allegations that he acted diligently in filing his section 2-1401 petition because he lacked notice of the circuit court's judgment. AT Br. 9, 12-16. Relatedly, he argues that the circuit court should have held an evidentiary hearing to resolve any factual disputes about diligence and notice. *Id.* at 10-11, 14-15. But "'[i]f the petitioner fails to allege the existence of a meritorious [claim or] defense, the petition is properly denied, and due diligence need not be addressed.'" *Wells v. St. Bernard Hosp.*, 2013 IL App (1st) 113512, ¶ 47 (quoting *Rockford Fin. Sys., Inc. v. Borgetti*, 403 Ill. App. 3d 321, 327 (2d Dist. 2010)). Seymens is thus incorrect that the "notice issue is analytically prior" to determining whether he sufficiently alleged a meritorious claim. *See* AT Br. 16. The circuit court did not need to hold an evidentiary hearing to resolve factual disputes about diligence and properly dismissed the petition based on Seymens's failure to allege a meritorious claim.

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Seymens also argues that the circuit court incorrectly "treated the petition as an improper attempt to reopen the administrative-review judgment" because section 2-1401 permits "reopening in appropriate circumstances." AT Br. 7; *see also id.* at 8. Seymens's petition, however, did not present any such appropriate circumstances because it failed to allege any specific facts to support a meritorious claim. *See Cnty. Treasurer*, 2023 IL App (1st) 220070, ¶ 48. Instead, the petition asserted only excuses for failing to timely appeal the challenged judgment. *See* C688-89.

The circuit court thus correctly construed it as an improper collateral attack on the circuit court's judgment filed in lieu of a timely appeal. C703. Without any allegations to support a meritorious claim, Seymens's section 2-1401 petition served only as an attempt to justify his failure to timely appeal the circuit court's judgment. *See* C688 (alleging that Seymens "first saw the [circuit court] judgment on January 15, 2026 and, as a self-represented litigant working full-time, prepared and filed this petition the same day"). But that is not the purpose of a section 2-1401 petition, which is to alert the court to facts that, if known at the time, would have precluded entry of judgment. *In re Marriage of Goldsmith*, 2011 IL App (1st) 093448, ¶ 14. As Seymens concedes, "[c]ourts rightly reject section 2-1401 petitions that merely relitigate issues already decided or serve as substitutes for direct appeal." AT Br. 8. A section 2-1401 petition "is not a substitute for an appeal, nor can it be used to shield a litigant from the consequences of his own mistakes." *Hirsch v. Optima, Inc.*,

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397 Ill. App. 3d 102, 110 (1st Dist. 2009); *see Mortimer*, 278 Ill. App. 3d at 605; *Universal Outdoor, Inc. v. City of Des Plaines*, 236 Ill. App. 3d 75, 81 (1st Dist. 1992). Nor can a section 2-1401 petition be used "to put in issue matters which have previously been or could have been adjudicated." *Hirsch*, 397 Ill. App. 3d at 110 (internal quotation marks omitted).

Here, the circuit court considered and rejected Seymens's conclusory allegations of a meritorious claim — that the Board misapplied the facts and the law — in finding his untimely administrative appeal warranted dismissal. C703; *see* C682-83. To obtain review of that judgment, Seymens had to file a notice of appeal within 30 days of the order's entry, but he did not do so. *See* Ill. Sup. Ct. R. 303(a); *Secura Ins. Co.*, 232 Ill. 2d at 213; *supra* p. 13. He could not use a section 2-1401 petition as a substitute for such an appeal by asking the circuit court to reconsider issues it had already addressed and resolved. *See Smolinski*, 363 Ill. App. 3d at 754 (plaintiff's post-judgment pleading was "an impermissible collateral attack on an issue that should have been appealed directly" where its alleged grounds "were fully argued before the circuit court and, as such, could have been raised in a direct appeal").

Indeed, Seymens improperly used his section 2-1401 petition to allege only his excuse for failing to timely file a notice of appeal. *See Mitchell v. Fiat-Allis, Inc.*, 158 Ill. 2d 143, 150 (1994) (section 2-1401 cannot be "employed as a means to salvage" plaintiff's "right to appeal"). Rather than allege a meritorious claim, Seymens alleged only that he did not have notice of the

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circuit court's November 14, 2025 judgment until January 15, 2026 because the "eFileIL docket did not display" it. C688. A section 2-1401 petition is not the correct vehicle to present that argument, which is properly raised in a motion for leave to file an untimely appeal, along with "a reasonable excuse for failure to file a notice of appeal on time." Ill. Sup. Ct. R. 303(d); *see In re K.A.*, 335 Ill. App. 3d 1095, 1100 (4th Dist. 2003) (circuit court could not extend time for filing an appeal through granting petition for relief from judgment, noting relief available under Ill. Sup. Ct. R. 303(d)). Although Seymens alleged that he was unaware of the judgment within the 60-day period permitted for filing such a motion, *see* C688, Seymens's diligence alone — even if properly demonstrated — could not have justified a collateral attack on the circuit court's underlying judgment without any specific allegations or arguments as to why that judgment was incorrect. *See K.A.*, 335 Ill. 3d App. at 1100 (parents could not use section 2-1401 petition to challenge and appeal judgment for which they did not receive notice for over 60 days).

Finally, Seymens invokes broad "equitable principles," arguing that striking a petition is a "severe disposition" especially for a *pro se* plaintiff when it is "timely, verified, and directed to recognized grounds for relief." AT Br. 11, 18-19. As discussed, *supra* pp. 12-13, however, Seymens did not raise any "recognized grounds for relief" because he did not allege facts to support a meritorious claim.

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Seymens cites only one inapposite case, *Paul v. Gerald Adelman & Assocs., Ltd.*, 223 Ill. 2d 85, 107 (2006), to support his theory. AT Br. 19-20. There, the Illinois Supreme Court invoked equitable principles to uphold a circuit court's grant of a section 2-1401 petition where the petitioner alleged facts that would have established her entitlement to vacate orders dismissing her claims for want of prosecution. *Paul*, 223 Ill. 2d at 107. Unlike Seymens's petition, the section 2-1401 petition and attached documents in *Paul* not only specifically alleged, but had demonstrated, the petitioner's meritorious claim. *Id*. at 91-93, 106-07. Indeed, the Illinois Supreme Court has never invoked principles of equity to allow a petitioner to use a section 2-1401 petition to resurrect an untimely appeal as Seymens tried to do here. On the contrary, it has squarely rejected that approach. *See Mitchell*, 158 Ill. 2d at 150 (dismissing appeal where claimant filed section 2-1401 petition to avoid consequences of failure to timely file direct appeal). And the requirement to timely file notices of appeal applies with full force to *pro se* litigants. *See Vasquez v. Aguilar*, 2026 IL App (1st) 250894, ¶ 28. Accordingly, Seymens has identified no ground warranting reversal of the circuit court's order.

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CONCLUSION

For these reasons, State Defendants-Appellees ask that this court affirm the judgment of the circuit court.

Respectfully submitted,

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September 25, 2026

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CERTIFICATE OF COMPLIANCE

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding pages contained in the Rule 341(d) cover, Rule 341(h) table of contents and statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters appended to the brief under Rule 342(a), is 21 pages.

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CERTIFICATE OF FILING AND SERVICE

I hereby certify that on September 25, 2026, I electronically filed the foregoing Brief of State Defendants-Appellees in the Appellate Court of Illinois, Fifth Judicial District, by using the Odyssey eFileIL system.

I further certify that the other participants in this action, named below, are registered service contacts on the Odyssey eFileIL system, and thus will be served via the Odyssey eFileIL system.

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Under penalties as provided by law pursuant to section 1-109 of the Illinois Code of Civil Procedure, I certify that the statements set forth in this instrument are true and correct to the best of my knowledge, information, and belief.

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