**Section 7030.100 Voluntary Arbitration under Section 19(p) of the Workers' Compensation Act and Section 19(m) of the Workers' Occupational Diseases Act**

a) Selection of Arbitrators to Hear Cases Under Voluntary Arbitration

1) The Workers' Compensation Advisory Board shall compile a list of not less than seven (7) certified arbitrators, each of whom shall be approved by at least seven (7) of the nine (9) members of the Advisory Board, to conduct hearings. The Advisory Board shall submit such list to the Chairman of the Industrial Commission (the Chairman).

2) Within thirty (30) days of submission of the list by the Workers' Compensation Advisory Board, the Chairman shall select five (5) arbitrators from the list to conduct hearings. The Chairman shall publish the selections within fifteen (15) days.

3) If a vacancy occurs among the arbitrators selected by the Chairman to conduct hearings, the Chairman shall select an arbitrator from the list chosen by the Workers' Compensation Advisory Board to fill that vacancy. At any time the list contains less than seven (7) names of current certified arbitrators, the Chairman shall request that the Advisory Board provide a list of additional certified arbitrators from which to make selections.

b) Request for Voluntary Arbitration

1) After filing an application for adjustment of claim but prior to the hearing on arbitration, the parties may voluntarily agree to submit the application for decision by an arbitrator from a list of five (5) arbitrators selected by the Chairman to hear cases under this Section. If the parties cannot agree on an arbitrator from the list of five (5) arbitrators, they may, by agreement, select an arbitrator from the American Arbitration Association.

2) Only applications for adjustment of claim which involve a dispute over temporary total disability, permanent partial disability or medical expenses may be submitted for decision by an arbitrator under this Section.

3) The agreement of the parties to submit the case to voluntary arbitration shall be in writing and shall be filed with the Commission. The written agreement shall be on a form provided by the Commission. The form shall contain the following:

A) a statement indicating the voluntary nature of the proceedings, the waiver of certain rights by the parties and the statement in subsection (c)(2) to be read by the arbitrator at the beginning of the hearing.

B) a certification by the arbitrator and any party not represented by an attorney that the statement in subsection (c)(2) was made on the record by the arbitrator at the beginning of the hearing and the party elected to proceed without counsel.

4) When an agreement to submit a case for decision by an arbitrator under this Section has been filed with the Commission, the application shall be assigned to the call of the arbitrator chosen by the parties to conduct the hearing. In cases in which the parties agree to select an arbitrator of the American Arbitration Association, the Commission shall notify the parties of the time and place of the hearing.

c) Conduct of Hearings

1) The arbitrator conducting the hearing shall advise the parties on the record at the beginning of the hearing of their rights under Section 19(p) of the Workers' Compensation Act or 19(m) of the Workers' Occupational Diseases Act and of the voluntary nature of the proceedings.

2) In all cases in which any party is not represented by an attorney, the following statement shall be made on the record by the arbitrator at the beginning of the hearing:

Voluntary arbitration under Section 19(p) or 19(m) requires an understanding of the Workers' Compensation Act or Workers' Occupational Diseases Act as well as the laws of evidence and trial procedure. You are entitled to be represented by an attorney if you so desire. The arbitrator's decision under this procedure is conclusive on all findings of fact and your rights of appeal to the Courts are strictly limited to questions of law.

3) The Rules Governing Practice Before the Industrial Commission (50 Ill. Adm. Code: Chapter II) shall apply to hearings in cases submitted for decision by an arbitrator under Section 19(p) of the Workers' Compensation Act or 19(m) of the Workers' Occupational Diseases Act, except when inconsistent with this Section or Section 19(p) of the Workers' Compensation Act or Section 19(m) of the Workers' Occupational Diseases Act.

d) The Commission shall pay reasonable costs for services of an arbitrator of the American Arbitration Association.

(Source: Added at 14 Ill. Reg. 13141, effective August 1, 1990)