**Section 7040.40 Conduct of Review Hearing**

a) All cases on review under Section 19(b) of the Act in which the first hearing of record before the Arbitrator was commenced on or before December 18, 1989, shall proceed as follows:

1) Order of Proof

 The reviewing party, or the party whose review is filed first, shall have the right to open and close the evidence.

2) Limitation of Evidence

 Evidence may be adduced on review if the evidence:

A) relates to the condition of the Petitioner since the time of the arbitration hearing; or

B) relates to matters that occurred or conditions that developed after the arbitration hearing; or

C) was not introduced at the arbitration hearing for good cause.

b) In all cases on review under Section 19(b) of the Act in which the first hearing of record before the Arbitrator is commenced after December 18, 1989, no additional evidence shall be introduced by the parties before the Commission.

c) Special Findings

1) Either party may request in writing that the Commission make special findings upon any written question or questions of law or fact (not to exceed five (5) in number) submitted to it concerning issues raised by the review. Said interrogatories shall be filed at least five (5) days prior to the Oral Argument or five (5) days after completion of the review hearing, whichever is later.

2) In all cases referred to in subsection (b) above, said interrogatories shall be filed at least five (5) days prior to the Oral Argument or five (5) days after the filing of the transcript, whichever is later.

3) A copy of the interrogatories must be served on the other side with appropriate proof of service.

(Source: Amended at 14 Ill. Reg. 13173, effective August 1, 1990)