**Section 9020.80 Petitions for Immediate Hearing**

a) Petition for Immediate Hearing Under Section 19(b)

1) In a Petition alleging that the Petitioner is not receiving benefits under Section 8(a) or 8(b) of the Act to which the Petitioner is entitled, the Petitioner may file a Petition for Immediate Hearing, as provided for in Section 19(b) of the Act, on an appropriate form provided by the Commission. The Petition shall set forth:

A) a description of the attempts by parties or counsel to resolve the dispute requiring an immediate hearing, including the name of the representative of the opposing party with whom the Petitioner or the Petitioner’s attorney has conferred, the date of the conference, and the result of the conference; and

B) a statement that a signed physician's report of recent date relating to the employee's current inability to work, or a description of such other evidence of temporary total disability as is appropriate under the circumstances, has been delivered to the Respondent.

2) The Petition for Immediate Hearing shall be filed and heard in accordance with Section 9020.70.

3) A response to the Petition shall be filed on an appropriate form provided by the Commission within 15 calendar days after service of a Petition for Immediate Hearing. Failure to respond timely or in good faith may result in the assessment of the attorneys' fees under Section 16 of the Act.

4) The Arbitrator to whom the case is assigned shall attempt to resolve the matter informally. If the matter cannot be resolved at that time, and the Arbitrator determines the Petitioner is not receiving benefits as provided in subsection (a)(1), the Arbitrator shall order the case to formal hearing.

b) Petition for Immediate Hearing under Section 19(b-1)

1) Filing Petition for Emergency Hearing under Section 19(b-1)

An employee alleging an inability to work because of disability compensable under the Act or the Workers' Occupational Diseases Act [820 ILCS 310], and who is not receiving temporary total disability or medical, surgical or hospital benefits to which the employee is entitled under Section 8(a) or 8(b) of the Act, may file a Petition for Immediate Hearing before an Arbitrator as provided for in Section 19(b-1) of the Act. The Petition shall be filed on a form provided by the Commission and comply with all requirements of the Act.

2) Section 19(b-1) Proceedings before Arbitrators: Pre-trial Conferences

A) The Arbitrator will hold a pre-trial conference within 20 calendar days after the Petition for Emergency Hearing is filed, or, if the petition is deemed sufficient pursuant to subsections (b)(2)(B), (C) or (D), within 20 calendar days after the date the petition is deemed sufficient. If the venue is outside of Cook County, the pre-trial conference will be held at either the regularly scheduled hearing site or at another hearing site for the same Arbitrator available within that time period and located as close as practical to the original hearing site. Notice of the pre-trial conference will be sent by the Commission to all parties of record.

B) The Arbitrator will rule on any challenges to the sufficiency of the Section 19(b-1) Petition within 2 business days. If such an objection is filed, the time for filing both the 19(b-1) Response and the final decision of the Commission as provided in Section 19(b) of the Act will be tolled until the Arbitrator has determined that the petition is sufficient.

C) If the Arbitrator finds the Section 19(b-1) Petition insufficient, the Arbitrator will allow the Petitioner 5 business days to cure all insufficiencies, and all time limits under the statute will be tolled until the Arbitrator has determined that the amended Section 19(b-1) Petition is sufficient. During this period, the amended Section 19(b-1) Petition, with proof of service to opposing party, shall be filed with the Commission. If the insufficiencies are not cured within the 5-business-day time limit, the Section 19(b-1) Petition will be dismissed without prejudice by the Arbitrator and notices of the dismissal will be sent by the Commission to all parties of record.

D) If the insufficiencies are cured within the 5-business-day time limit and the parties have not received from the Commission notices of dismissal of the Section 19(b-1) Petition, the Respondent shall have 15 calendar days from the receipt of the amended Section 19(b-1) Petition to file a response.

3) Section 19(b-1) Hearing, Decisions, and Transcripts

A) Hearings

i) At the pre-trial conference, the Arbitrator will set the case to be tried within 15 calendar days at either the regularly scheduled hearing site or at another hearing site for the same Arbitrator available within that time period and located as closely as practical to the original hearing site.

ii) Proofs are to be closed within 15 calendar days after the Section 19(b-1) hearing, unless for good cause the Arbitrator extends the time for closing proofs for an additional period or periods not to exceed a total extension period of 30 calendar days. Good cause is defined as, but not limited to, additional medical records needed and taking of depositional evidence.

B) Arbitrator Decision

The Arbitrator's decision is to be filed with the Commission within 25 calendar days after proofs are closed. The Arbitrator's decision shall contain the final cost of the arbitration transcript, or the estimated cost of the transcript if the final cost is not available at the time the Arbitrator's decision is issued.

C) Transcripts

i) At the beginning of each hearing at which a record is made, the Arbitrator shall state the following for the record:

Upon the closing of proofs, at the request of any party, the Arbitrator shall order the Court Reporter to prepare an original transcript of this hearing, to be authenticated by the Arbitrator for use by the Commission in the event it is required for further proceedings, including any proceedings for a review of the Arbitrator's decision. The parties may order copies of the transcript of today's hearing at the close of the hearing, to be charged at the rate provided in Section 16 of the Workers' Compensation Act for copies of a transcript. Each party shall pay the cost of its own copy. If a Petition for Review is filed, the appealing party shall pay the cost of the original transcript. If no Petition for Review is filed, the parties shall pay the cost of the original transcript, to be divided equally among the parties. At the close of each day's hearing on Arbitration, the Court Reporter shall provide an estimate of the cost of preparing the transcript. The estimated cost of the transcript may not be the final cost of the transcript for which a party is liable. If the party orders the transcript at a later time, it is unlikely it will be received in sufficient time for use in preparation of the party's Statement of Exceptions and Supporting Brief, or a response to that statement, in the event either party files a Petition for Review of the Arbitrator's decision. If the original is not on file, in the event a transcript is ordered, it will be prepared as an original and the party will be charged at a rate provided for in Section 16 of the Workers' Compensation Act. The Commission will not consider the unavailability of the transcript good cause for the failure to file a timely Statement of Exceptions and Supporting Brief, or a response to that statement.

ii) When the transcript of proceedings has been ordered pursuant to subsection (b)(3)(C)(i), the transcript shall be authenticated by the Arbitrator and a copy of the statement of the final cost of the preparation of the transcript shall be filed by the Court Reporter at the Commission within 25 calendar days after proofs are closed. When the transcript of the proceedings is ordered at the time a Petition for Review is filed and the transcript has been received, the transcript shall be authenticated and filed pursuant to subsection (b)(4)(A)(iii).

4) Section 19(b-1) Proceedings before the Commission

A) Perfecting a Review

A Petition for Review must be filed in duplicate at the Commission within the time provided by Section 19 of the Workers' Compensation Act. The Petition must contain or be accompanied by the following:

i) A Certificate of Service on the opposing party by personal service or certified mail;

ii) A certification that payment for the transcript in the amount set forth in the Arbitrator's Decision has been made to the Court Reporter, including a copy of the check or money order sent to the Court Reporter. When the amount paid is an estimate, the balance of the cost, if any, shall be paid upon receipt of the statement from the Court Reporter setting forth the final cost of the transcript. An order entered pursuant to Section 20 of the Workers' Compensation Act may be submitted for payment of the transcript;

iii) An order for the transcript of proceedings at Arbitration, when the transcript was not ordered at Arbitration. The transcript of proceedings authenticated by the Arbitrator shall be filed by the Court Reporter at the Commission within 25 calendar days after the filing of the Petition for Review; and

iv) A statement of Appellant's specific exceptions to the Arbitrator's Decision; attaching the Statement of Exceptions and Supporting Brief required by subsection (b)(4)(B) will satisfy this requirement.

B) Statement of Exceptions and Supporting Brief

i) Any party filing a Petition for Review with the Commission shall file a Statement of Exceptions and Supporting Brief with attached proof of service within 15 calendar days after the filing of the Petition for Review. If the Appellee elects to file a response to the Petition for Review, the response must be filed and served on the opposing party within 15 calendar days after the last day allowed for the filing of the Appellant's Statement of Exceptions and Supporting Brief. Each party filing a Statement of Exceptions and Supporting Brief, or a response, shall file 3 copies. The Statement of Exceptions and Supporting Brief, or response, shall be written or printed on one side of no more than 20 8½ x 11" sheets of paper or contain no more than 5,200 words, whichever is greater, and shall follow the format set forth in 50 Ill. Adm. Code 9040.70(a). Failure of any appellant or petitioning party to file timely a Statement of Exceptions and Supporting Brief may result in denial of oral argument.

ii) Timely filing shall be shown by: the filing date stamped on the document at the time of receipt by the Commission at its office in Chicago, Illinois; a legible postmark date at least 2 calendar days prior to and exclusive of the date on which the document was due to be filed in accordance with this Section, applied by the U.S. Postal Service, and not by a party, to the envelope in which the document is received by the Commission at its office in Chicago, Illinois, or the date applied by the U.S. Postal Service to a certified or registered mail receipt bearing the same certification or registry number as the envelope in which the document was received by the Commission at its offices in Chicago, Illinois, showing a date of mailing that is not less than 2 calendar days prior to and exclusive of the date on which the document was due to be filed. If the date required for filing or mailing falls on a Saturday, Sunday, or holiday, the time for filing or mailing shall be the next date that is not a Saturday, Sunday or holiday. Electronically filed documents shall be filed in accordance with 50 Ill. Adm. Code 9015.30.

C) Hearing on Review and Oral Arguments

No Hearing on Review will be held by the Commission. Immediately after the Petition for Review has been filed, it will be assigned to a Commissioner who will promptly schedule the case for oral argument before a panel of 3 Commissioners, as provided in Section 19(e) of the Act.

D) The Commission will file its decision no more than 90 days after the filing of the Petition for Review, and not later than 180 days after the filing of the Petition under Section 19(b-1) of the Act, whichever is sooner.

5) Service in Section 19(b-1) Proceedings

All service required pursuant to this Section must be by personal service or certified mail with return receipt. After initial service to the employer, service shall be made on the employer's attorney or designated representative.

(Source: Amended at 47 Ill. Reg. 6149, effective April 13, 2023)