**Section 300.941 Response, Investigation, and Referral to Formal Administrative Hearing**

a) The respondent must, in response, remit payment of all undisputed amounts and submit a written explanation of all the amounts remaining in dispute within 20 days after the date of mailing or other service of the notice of claim under Section 300.940(c) and (d).

b) The response shall include the reasons for non-payment and any business records and other documentation necessary for the Department's investigation of the claim.

c) If a respondent fails to answer the claim as required in subsections (a) and (b) or fails to answer all material allegations contained in the claim, any unanswered allegations shall be deemed admitted to be true as of the 21st day following the notice of claim.

d) The Department will review the information provided by the parties to determine whether wages or final compensation may be due and shall decide whether there is sufficient evidence to proceed to a formal administrative hearing. If the review demonstrates there is insufficient evidence to proceed to a hearing, the claim will be dismissed. If the review demonstrates sufficient evidence that the Act may have been violated, the matter will be set for a formal administrative hearing. The Department will notify all parties of its determination and may issue appropriate orders.

e) The Department may consider untimely submissions by any party, upon written request by the party within a reasonable period of time, if there is a showing that the delay was occasioned by a good cause beyond the party's control. Examples of good cause include the non-receipt or delayed receipt of mail, accident, illness, or other circumstances beyond the party's control.

f) If the matter is set for a formal administrative hearing, any document in the files of the Department of Labor submitted to it by any of the parties, shall be a part of the record, and shall be competent evidence bearing upon the issues. The failure of a party to appear at a hearing will not preclude a decision in their favor if, based on all of the information contained in the record, they are entitled to that decision.

g) Upon timely request to the Administrative Law Judge assigned to the case or the Administrative Law Judge's supervisor before the beginning of an in-person hearing, a party may inspect the case file during the Department's regular business hours at the office of the Administrative Law Judge assigned to the case. The Department will maintain a written record of the date and name of any person inspecting the file. A party may also request electronic access to the records pertaining to their case. In the case of a telephone hearing, a file may be inspected at the Springfield office or Chicago office, if the request is made at least 2 working days before the hearing. When the request is timely made, the Department will give the party making the request an opportunity to inspect the file at least 24 hours before the hearing.

h) For claims filed under Section 13.5, respondents shall comply with subsections (a) and (b) and be subject to the admissions described in subsection (c).

(Source: Amended at 47 Ill. Reg. 5406, effective March 31, 2023)