**Section 2712.203 Eligibility Requirements for Legal Services for Individuals**

a) If funding is available for the service, individuals whose claims are in dispute before either a claims adjudicator or a referee can qualify for legal services under this Part to pursue their appeals to the referee, the Director, the Director's representatives or the Board of Review if they can present a valid claim or defense.

EXAMPLE: An individual quits his job in Chicago to relocate in California where he can pursue his dream of becoming an internationally renowned surfer. The claims adjudicator holds that he quit his job without good cause attributable to his employer. The individual admits that he quit his job solely to pursue his surfing goal but wishes to appeal the claims adjudicator's determination because he needs his unemployment benefits to finance his ambitions. This individual would not qualify for legal services under this Part because he has presented no legal justification under existing precedent for his appeal.

b) Whether a claim or defense is valid will be determined by the attorney assigned to the case by the legal service provider. If the individual disagrees with the judgment of the attorney assigned to the matter by the legal service provider, the individual may pursue the internal review process established by the legal service provider. If the internal review process of the legal service provider still results in a decision that the individual does not have a " valid" claim or if the individual decides to forego the legal service provider's internal review process, he or she can hire a private attorney who may then be eligible for reimbursement pursuant to Section 2712.207(b).

c) Application for legal services under this Part must be made at least three working days prior to the date of a scheduled hearing before the referee. Failure to make application for services prior to three working days before the hearing shall disqualify the individual from receiving these services if the attorney assigned by the legal service provider finds that the reason that the individual failed to apply for the services prior to the three day period would not constitute good cause for a continuance under 56 Ill. Adm. Code 2720.240.

1) EXAMPLE 1: On the date of his hearing, the individual appears at the office of the legal services provider and requests an attorney to represent him at his hearing later in the day. If the attorney assigned to his case finds that the reason that this individual failed to seek legal assistance prior to this time would constitute good cause for a continuance under 56 Ill. Adm. Code 2720.240, then, if the claimant meets the other criteria for eligibility for this program, the attorney will agree to represent this individual.

2) EXAMPLE 2: On the date of her hearing before the referee, the individual appears at the office of the legal services provider and requests an attorney to appear on her behalf at the scheduled hearing that day. If the individual's reason for failing to seek legal assistance prior to this time would not constitute good cause for a continuance under 56 Ill. Adm. Code 2720.240 in the judgment of the assigned attorney, then the attorney will deny the individual the requested representation at the referee hearing. However, if the individual is otherwise eligible for the program, the fact that she was denied assistance under this subsection at the hearing before the referee would not preclude the individual from seeking assistance in preparing her appeal to the Board of Review if the referee rules against her after her hearing.

d) Even if individuals do not qualify for legal services under this Section because they do not have a valid claim or defense, they shall be entitled to a maximum of one-half hour of legal advice regarding their unemployment insurance claim from the attorney assigned to the matter by the legal services provider.

(Source: Amended at 43 Ill. Reg. 6372, effective May 14, 2019)