**Section 2712.205 Eligibility Requirements For Legal Services For Small Employers**

a) Except for any unpaid contributions, penalties or interest which are the subject of the appeal for which the legal services are requested, a small employer requesting services under this program must not be delinquent in the payment of any monies due the Director under this Act.

b) The small employer must present a valid claim or defense to the action for which the legal services are sought. Whether a claim or defense is valid will be determined by the attorney assigned to the case by the legal service provider. If the small employer disagrees with the judgment of the attorney assigned to the matter by the legal service provider, it 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 small employer does not have a " valid" claim or if the small employer decides to forego the legal service provider's internal review process, it 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 pursuant to 56 Ill. Adm. Code 2725 or before the referee under 56 Ill. Adm. Code 2720. Failure to make application for services prior to three working days before the hearing shall disqualify the small employer from receiving such services if the attorney assigned by the legal service provider finds that the reason that the small employer failed to apply for such services prior to such 3 day period would not constitute good cause for a continuance under 56 Ill. Adm. Code 2720.240. See examples following Section 2712.203(c).

d) To be eligible for legal services at a hearing, the small employer must be a "party", as defined in 56 Ill. Adm. Code 2720.1 or must be the appellant to an adverse decision, determination, order or ruling under 56 Ill. Adm. Code 2725 or the issue for which the legal services are being sought must be whether the small employer is a "party" as defined in 56 Ill. Adm. Code 2720.1.

e) Even if the small employer does not qualify for legal services under this Section because it does not have a valid claim or defense, it shall be entitled to a maximum of one-half hour of legal advice regarding its unemployment insurance claim from the attorney assigned to the matter by the legal services provider.

(Source: Amended at 17 Ill. Reg. 3194, effective March 2, 1993)