**Section 2720.315 Submission of Written Argument or Request to Submit Additional Evidence**

a) A party may inspect or request a transcript of the hearing or a copy of the file as provided in this subsection. The appellant shall have 15 days after the appeal is filed to request a transcript of the hearing or a copy of the file. The appellee shall have 7 days after the mailing of the Notice of Appeal to request a transcript of the hearing or a copy of the file. In the event only a transcript is initially sought and obtained, a later request for a copy of the file must be made within 7 days after the date the transcript is mailed or made available for inspection. The Board of Review shall make the file available to the parties during the Department's regular business hours.

b) A party may file a written argument to the Board of Review as provided in this subsection. The Board of Review shall not consider any written argument, response, or reply unless the submitting party has certified that it served a copy of the written argument on the opposing party.1) If a request for inspection of a transcript or a copy of the file has been timely made, the parties shall have 10 days after the date that the transcript or file is mailed or made available for inspection, whichever is later, to file a written argument to the Board of Review. The submitting party shall certify that it served a copy of the written argument on the opposing party.

2) If a request for an inspection or a transcript of the hearing or a copy of the file has not been timely made, the appellant shall have 15 days after the appeal has been filed and the appellee shall have 7 days after the date of mailing of the Notice of Appeal to file a written argument with the Board of Review. The submitting party shall certify that it served a copy of the written argument on the opposing party.

3) If the opposing party wishes to file a response, it must file with the Board and serve on the submitting party any response within 7 days after the submitting party's written argument was mailed to the opposing party.

4) If the submitting party wishes to file a reply, it must file with the Board and serve on the opposing party any reply within 5 days after the opposing party's response was mailed to the submitting party.

c) The Board of Review will consider requests to submit additional evidence submitted by the appellant within 15 days after the date an appeal is filed or by the appellee within 7 days after the date of mailing of the Notice of Appeal. In the event a transcript or copy of the file is sought, the request to submit additional evidence shall be filed no later than 10 days after the date the transcript or copy of the file is mailed or made available for inspection, whichever is later. The requesting party shall certify that it served a copy of its request on the opposing party.

1) A request to submit additional evidence must include:

A) A summary of the evidence to be introduced; and

B) An explanation showing that the requesting party, for reasons not its fault and outside its control, was unable to introduce the evidence at the hearing before the Referee.

2) If the party that filed a request to submit additional evidence, or its witness, failed to appear at a scheduled hearing, the Board shall not consider that party's request to submit additional evidence unless that party can show that:

A) it did not receive timely notice of the hearing;

B) its failure to appear at the hearing was due to circumstances beyond its control; or

C) that it requested a continuance before the conclusion of the hearing, that was denied.

3) If the opposing party desires to file a response, it must file with the Board and serve on the requesting party any written response within 7 days after the request to submit additional evidence was mailed to the opposing party.

4) If the requesting party desires to file a reply, it must file with the Board and serve on the opposing party any written reply within 5 days after the opposing party's response was mailed to the requesting party.

5) A ruling by the Board of Review to deny a request to submit additional evidence will be announced in its decision. If the Board of Review grants the request, the parties will be notified in the Board of Review's decision or by separate written correspondence, which shall specify the time, place and manner in which the evidence is to be submitted. The Board of Review shall include a finding of facts and reasons for the grant or denial.

d) At the request of the party and for good cause shown, the Board will grant a reasonable extension of time within which to submit a written argument or request to submit additional evidence. No extension shall be for less than 7 days nor more than 30 days.

e) All notices, written arguments, requests to submit additional evidence, responses and replies must contain the Board of Review Docket number assigned to the matter, as set forth in the Notice of Appeal (see Section 2720.25).

(Source: Amended at 43 Ill. Reg. 6385, effective May 14, 2019)