**Section 2725.100 Application For Revision Of Statement Of Benefit Charges**

a) Applications for Revision of the Statement of Benefit Charges must be filed at the address specified on such Statement, within 45 days of the mailing of such Statement, as provided in Section 1508 of the Act.

b) An Application shall set forth: the name and Social Security account number of each claimant whose benefit charges are contested; the amount of benefit charges contested or the weeks of benefit charges contested; the year and quarter of the Statement contested; and, in the cases described in subsections (b)(1), (2) and (3) below, a statement of facts providing the basis for relief upon which the employer relies in its Application.

1) If an employer alleges that the benefit charges arose from the payment of benefits to a claimant for weeks of eligibility to which the employer was entitled to notice of a determination pursuant to Sections 702 or 703 of the Act, and was not notified of such determination of eligibility and the claimant was improperly paid benefits, the employer must show that it filed in response to notice of the claim, a timely (see 56 Ill. Adm. Code 2720.30) Notice of Possible Ineligibility or letter in lieu thereof alleging that the claimant was ineligible for benefits for the weeks charged and did not receive a determination of eligibility or decision holding the Notice of Possible Ineligibility or letter in lieu thereof as insufficient or untimely.

A) A copy of the allegedly unanswered Notice of Possible Ineligibility or letter in lieu thereof should, if possible, be included with the Application, together with any subsequent documentation where applicable, such as a Referee or Board of Review decision holding the Notice of Possible Ineligibility as sufficient.

B) If the employer did not file a timely and sufficient Notice of Possible Ineligibility or letter in lieu thereof (pursuant to 56 Ill. Adm. Code 2720.130) in response to the notice of claim, the employer's remedy is to request a reconsidered determination from the local office Claims Adjudicator where the claimant filed for benefits, pursuant to Section 703 of the Act, or if a determination of eligibility was served upon the employer, its remedy is to file an appeal to the determination under Section 800 of the Act.

C) If the determination of eligibility for the weeks charged is reversed, the employer will receive appropriate relief from the benefit charges through the operation of Section 706 of the Act.

2) If the employer is charged for benefits and claims that it was not sent a notice that a claim was filed, the employer must allege this fact and, at a hearing, must prove lack of notice and must show the reasons why the payment of benefits to the claimant for the weeks charged is improper.

A) If an employer was served with a notice that a claim was filed, the employer's remedy for relief of the benefit charges is its protest of the claimant's eligibility pursuant to Section 800 of the Act or a request for reconsideration of a determination pursuant to Section 703 of the Act with the Claims Adjudicator at the local office where the claimant filed for benefits.

B) If the determination is subsequently modified or reversed, the benefit charges will be modified or cancelled, as appropriate, through the operation of Section 706 of the Act. (See 56 Ill. Adm. Code 2720).

3) When the employer alleges that a clerical error was made by the Agency, the nature of the clerical error and its effect on the benefit charges must be clearly stated. A copy of the material bearing the error must accompany the Application.

c) An Application which fails to meet the criteria in subsection (b)(1) thru (3) shall be ruled insufficient and the Director shall serve notice of such ruling and the basis therefor upon the employer. The ruling shall be final and conclusive unless the employer files, within 20 days of the date of mailing of the ruling, a written objection or a revised Application for Revision of the Statement of Benefit Charges, specifically responding to the reasons the original Application was ruled insufficient. The written objection or revised Application shall be reviewed and, if sufficient, an order issued. An employer disagreeing with such order may appeal to a Director's Representative under Subpart C of this Part if such appeal is taken within 20 days of the date of mailing of the order. If the written objection or revised Application is still found to be insufficient, it shall again be ruled insufficient, and such ruling shall be final and subject to review under the State's Administrative Review Law [735 ILCS 5].

1) Where an employer alleges that a claimant was not an unemployed individual under Section 239 of the Act during a period when such claimant was paid benefits, no relief shall be available under Section 1508 of the Act, but the matter shall be referred to the local office where the claimant last filed a claim for benefits for investigation to which such employer shall be a party. If the claimant is determined ineligible, appropriate relief will be granted to such employer under Section 706 of the Act.

2) Where an employer alleges that his Statement of Benefit Charges is incorrect because it is not the chargeable employer pursuant to Section 1502.1 of the Act, such Application must contain a reference to and a copy of the decision which reverses the claims adjudicator and holds that the employer is not the chargeable employer. Unless the employer has filed a timely request for reconsideration to the decision that the claims adjudicator has found it to be the chargeable employer, pursuant to 56 Ill. Adm. Code 2765.325, 2765.326 or 2765.329, such employer shall not be entitled to a revision of its "Statement of Benefit Charges".

d) Upon receipt of a sufficient Application, the Application shall be ordered allowed or denied in whole or in part and notice of such order stating the basis therefor shall be mailed to the employer. Such application will be allowed in part and denied in part where the employer has contested multiple benefit charges but has made sufficient allegations on some but not all. Such order shall become final and conclusive at the expiration of 20 days from the date of mailing of such order, unless the employer shall have filed a Petition specifying its objections thereto.

e) Where the allegation in the Application is lack of notice of a determination or reconsidered determination and the ineligibility of the claimant for a specific reason, such employer shall be sent either a copy of the original determination or reconsidered determination, as may be applicable, and if the allegation of lack of notice proves to be true, the period for filing a timely appeal under Section 800 of the Act and 56 Ill. Adm. Code 2720, Subpart C shall begin from the date of mailing of the copy of the determination or reconsidered determination.

(Source: Amended at 20 Ill. Reg. 6378, effective April 29, 1996)