**Section 2725.237 Adding Necessary Parties**

a) The Director's Representative shall add one or more additional parties whenever he finds that it is necessary for the proper disposition of a case. Such additional party or parties shall be given reasonable notice of this action and an opportunity to be heard.

Example: The Director issues a Determination and Assessment based on a finding that Employer A has failed to report and pay contributions on wages that it paid to Mr. Smith. Employer A contends that it did not employ Mr. Smith but that he was employed instead by Employer B. Employer B, which has a lower contribution rate than Employer A, reported the wages of Mr. Smith and paid contributions on those wages so that it is not possible to make a Determination and Assessment against Employer B and then to consolidate the cases. If the Director's Representative finds that it is necessary for the proper disposition of the case, he shall add Employer B as a party, and Employer B shall be given reasonable notice and an opportunity to be heard.

b) Whenever an employing unit believes that it should be added as an additional party in a case pending before the Director's Representative but the Director's Representative has not done so, it shall file a Motion to Intervene. Such Motion shall include arguments in support of such Motion. If the Director's Representative finds that the addition of the employing unit is necessary for the proper disposition of the case, it shall be added as a party. If the Director's Representative finds that the addition of the employing unit is not necessary for the proper disposition of the case, the Motion shall be denied and the reasons therefor noted in the record.

(Source: Added at 16 Ill. Reg. 113, effective December 23, 1991)