**Section 5300.460 Consideration of Request for Review**

a) A three-member panel of the Commission will review the Request for Review and, if it agrees with the Department, it shall enter an order stating its findings and reasons.

b) In instances of default, the Commission will notify the Complainant that the Complainant has the option of having a hearing to determine damages conducted by a Commission Administrative Law Judge or the circuit court.

c) Within 90 days after the Complainant's receipt of this Order of Default, the Complainant shall elect to either commence a civil action for damages in the appropriate circuit court by filing an appropriate pleading with the circuit court in accord with court rules and procedures; or the Complainant shall file a written request with the Commission to set a hearing on damages, to be conducted in conformity with this Part. If the Complainant fails to take the affirmative steps described in this subsection to commence or set a hearing on damages, the Complainant may be deemed to have waived the right to damages. The Complainant shall serve the Respondent and the Department with notice of the commencement of the hearing on damages. If the Complainant elects to commence a civil action for damages in the circuit court, the Complainant shall also serve the Commission with notice of those proceedings.

d) Should the Commission Panel find in favor of the requesting party, it shall order that the dismissal or default entered by the Department be vacated, and, when appropriate, remanded to the Department for action consistent with the vacate order.

e) If the dismissal or default is affirmed, the matter may be appealed to the Appellate Court within 35 days after the date of service of the Commission's Final Order.

(Source: Amended at 46 Ill. Reg. 17343, effective October 5, 2022)