**Section 101.300 Computation of Time**

a) Computation of Time. Computation of any period prescribed in the Act, other applicable law, or this Subpart will begin with the first calendar day following the day on which the act, event, or development occurs and will run until the close of business on the last day, or the next business day if the last day is a Saturday, Sunday, or national or State legal holiday.

b) Date of Filing. Documents will be considered filed with the Clerk only if they are filed in compliance with Section 101.302 and any other filing requirements specified elsewhere in the Board's procedural rules (see 35 Ill. Adm. Code 101 through 130). Subpart J states when electronic documents submitted to COOL will be considered filed.

1) If a document is submitted to the Clerk for filing in person, by U.S. Mail, by e-mail or facsimile under Section 101.302(d), or by third-party commercial carrier, the document is considered filed on the date it is received by the Clerk, except as provided in subsection (b)(2). However, a document received by the Clerk after 4:30 p.m. is considered filed on the next business day. The Clerk will mark the filing date on each filed document.

2) If the Clerk receives a document by U.S. Mail or third-party commercial carrier after a filing deadline date, the document will be considered filed on:

A) The date on which the document was provided to the U.S. Postal Service; or

B) The date on which the document was provided to the third-party commercial carrier for delivery to the Clerk within three business days.

3) For subsection (b)(2), documentation of when the document being filed was provided to the U.S. Postal Service or the third-party commercial carrier consists of the affidavit or certificate required by Section 101.304(d)(2)(A) or (d)(4) and must accompany the document being filed. In addition, for delivery by a third-party commercial carrier, the affidavit or certificate must contain the filing party's representation that the charge for delivery to the Clerk within three business days was prepaid.

4) For Board decision deadlines, the decision period does not begin until the date marked by the Clerk on the initial filing.

c) Date of Service. Documents will be considered served upon another party only if they are served in compliance with Section 101.304 and any other service requirements specified elsewhere in the Board's procedural rules. The date of service is determined as follows:

1) Personal Service. Personal service of a document is complete on the date on which the document was delivered, as specified in either the affidavit or certificate of service signed by the person who made personal delivery or the declaration of service signed by the process server who made personal delivery.

2) Service by U.S. Mail or Third-Party Commercial Carrier with Recipient Signature. If a recipient's signature is recorded by the U.S. Postal Service or a third-party commercial carrier upon delivery of a document, service is complete on the date on which the document was delivered, as specified in the signed delivery confirmation.

3) Service by E-Mail or Facsimile. Service of a document by e-mail or facsimile is complete on the date on which the document was successfully transmitted, as specified in the affidavit or certificate of service, signed by the party to the proceeding who is serving the document. However, a document successfully e-mailed or faxed on a Saturday or Sunday, on a national or State legal holiday, or after 5:00 p.m. on a weekday is considered served on the next business day.

4) Service by U.S. Mail or Third-Party Commercial Carrier without Recipient Signature. If a recipient's signature is not recorded by the U.S. Postal Service or a third-party commercial carrier upon delivery of a document, service is presumed complete four days after the date on which the document was provided to the U.S. Postal Service or the third-party commercial carrier.

A) The presumption applies only if an affidavit or certificate of service, signed by the party to the proceeding who is serving the document, states the following: the date, the time by when, and the place the document was provided to the U.S. Postal Service or the third-party commercial carrier; the address appearing on the envelope or package containing the document; and that proper postage or the delivery charge was prepaid.

B) The presumption can be rebutted by proper proof, which may include delivery tracking information from the website of the U.S. Postal Service or the website of the third-party commercial carrier.

d) Date of Board Decision and Date of Service of Final Board Decision.

1) For a statutory decision deadline proceeding, the date of the Board decision is the date of the Board meeting at which a final Board order was adopted.

2) For appealing a final adjudicatory decision of the Board, the date of service of the final decision is the date on which the party receives the Board's mailing of the decision. If a motion for reconsideration is timely filed under Section 101.520, the date of service of the final decision is the date on which the party receives the Board's mailing of the Board order ruling upon the motion.

3) For appealing a final rulemaking decision of the Board in which a rule is adopted, amended, or repealed, a person is considered to have been served with the final decision on the date on which the new rule, the amendment, or the repealer becomes effective under the IAPA. For appealing a final rulemaking decision in which no rule is adopted, amended, or repealed, the date of service of the final decision is the date on which the participant receives the Board's mailing of the decision. If a motion for reconsideration is timely filed under the Board's procedural rules (35 Ill. Adm. Code 102.700 and 102.702), the date of service of the final decision is the date on which the participant receives the Board's mailing of the Board order ruling upon the motion.

4) For appealing a final decision of the Board in a TLWQS proceeding, a person is considered to have been served with the final decision on the date on which the decision is first published on the Board's website. (See 415 ILCS 5/38.5(j)).

(Source: Amended at 43 Ill. Reg. 9674, effective August 22, 2019)