**Section 7040.70 Statements of Exception(s) and/or Addition(s) and Supporting Briefs and Abstracts**

a) Except in cases where Section 19(b-1) Petitions have been filed, each party filing a petition for review of the Arbitrator's decision, or other proceedings such as under Sections 19(h) or 8 (a) in which the right to oral arguments has been granted, or in which written statements of the parties have been ordered by the Commission, shall file its statement of exception(s) and/or addition(s) and supporting brief setting forth:

1) the identity of the party filing;

2) the names of the parties and the Commission's number of the cases;

3) the name of the Commissioner to whom the case has been assigned on Review;

4) the date, if any, scheduled for oral argument;

5) the name of the Arbitrator who rendered the decision or entered the order most recently prior to the filing of the party's petition;

6) the Arbitrator's findings, to include, whenever applicable:

A) date of accident and/or (last) exposure found or alleged;

B) the number of weeks of temporary total disability compensation awarded, and the amount of compensation paid;

C) the dollar amount of medical expenses awarded;

D) the nature of the disability and/or disfigurement and the number of weeks for disfigurement or the percentage of loss for permanent partial disability or specific loss, if any, awarded, or the fact of any award of benefits by reason of death or permanent total disability;

E) the dollar amount of any awards, or other findings, under Sections 4(i), 8(f), 19(k), and Section 19(l), of the Act, if any,

7) appellant's statement of exception(s) and/or addition(s) to the Arbitrator's decision to include:

A) separate headings identifying each issue asserted as an exception or addition;

B) statements of particular evidence in the record pertaining to each such issue, together with citation of any legal authorities, including, Commission decisions, which support the position of that issue.

b) three (3) copies of the appellant's statement of exception(s) and/or addition(s) and the supporting brief shall be filed with the Commission and served on all parties not later than thirty (30) days from the date of closing of proofs on Review if no transcript of the hearing on Review is to be prepared, or thirty (30) days from the date of notice of mailing or transmittal of the transcript of evidence on Review whenever such a transcript is to be prepared. The appellee may submit a response, in which case he must file three (3) copies of the response with the Commission and serve copies thereof on all parties within fifteen (15) days from the last day allowed for the filing of appellant's statements of exception(s) and/or addition(s) and supporting brief. Such a statement of exception(s) and/or addition(s) and supporting brief, and any response thereto, shall be written or printed on one side of no more than twenty (20) 8½" x 11" sheets of paper, and shall include a certificate of the date and manner of service of copies on all other parties.

c) In addition to the statement of exception(s) and/or addition(s) and supporting brief required in the above paragraph depending on the size of the case and the complexity of the issues involved, the reviewing Commissioner may order that an abstract of the record be filed with the Commission and served on all parties by each appealing party not later than thirty (30) days from the date of closing of proofs on Review or thirty (30) days from the date of notice of mailing or transmittal of the transcript of evidence on Review and each responding party shall have fifteen (15) days from the last day allowed for the filing of the opposing appellant's supporting brief within which to file a supplemental or corrected abstract. Appellant's reply, if filed, shall be limited to the matter raised in the supplemental or corrected abstract and response and shall be filed within ten (10) days after the date for filing of the appellee's abstract.

d) All documents filed under this Section shall bear the caption of the case, including the Commission case number, and shall include the name of the Commissioner to whom the case has been assigned for the Review proceedings, together with the date set for oral argument, when applicable, directly under the case number in the caption. Documents filed pursuant to this Section will not be considered to have met the requirements for filing if they do not comply with the requirements of subsection (e). The Commission will only consider, and oral arguments will be limited to, the issues raised in both the Review proceedings stipulation form or its equivalent for proceedings such as those under Section 19(h) and (f) of the Act and in the party's statement of exception(s) and/or addition(s) and supporting brief, and to those in any complying response thereto. Failure of any appellant or petitioning party to file timely any statement of exception(s) and/or addition(s) and supporting brief as required by this Section, including an abstract when required under subsection (c) of this Section, shall constitute waiver of the right to oral argument by that party and an election not to advise the Commission of any reason to change the Arbitrator's decision or to grant the petition; and in any case in which no appealing party has filed a statement of exception(s) and/or addition(s) and supporting brief together with any abstract required by this Section, neither party will be entitled to an oral argument before the Commission .

e) Timely filing shall be shown by:

1) the date file stamped on the document at the time of receipt by the Commission at its office in Chicago, Illinois;

2) a legible postmark date at least two (2) calendar days prior to and exclusive of the date on which such document was due to be filed in accordance with this rule, applied by the U.S. Postal Service, and not by a party, to the envelope in which the document is received by the Commission at its offices in Chicago, Illinois, or the date applied by the U.S. Postal Service to a certified or registered mail receipt bearing the same certification or registry number as the envelope in which the document was received by the Commission at its offices in Chicago, Illinois, showing a date of mailing which is not less than two (2) calendar days prior to and exclusive of the date on which such document was due to be filed. If the date required for filing or mailing falls on a Saturday, Sunday, or holiday, the time for filing or mailing shall be the next date which is not a Saturday, Sunday or holiday.

f) In all cases on review under Section 19(b) of the Act in which the first hearing of record before the arbitrator is commenced after December 18, 1989, three (3) copies of the appellant's statement of exception(s) and/or addition(s) and supporting brief shall be filed with the Commission and served on all parties not later than thirty (30) days from the Return Date on Review. The appellee may submit a response, in which case he must file three (3) copies of the response with the Commission and serve copies thereof on all parties within fifteen (15) days from the last day allowed for the filing of appellant's statement of exception(s) and/or addition(s) and supporting brief. Such a statement of exception(s) and/or addition(s) and supporting brief, and any response thereto, shall be written or printed on one side of no more than twenty (20) 8½" x 11" sheets of paper, and shall include a certificate of the date and manner of service of copies on all other parties.

1) The requirements set forth in subsections (a),(d) and (e) above are applicable to subsection (f).

2) Subsection (c) above is applicable with the addition that in any case assigned to the Special Panel in which an Abstract of the Record has not been filed by January 1, 1990, or in any case remaining before the permanent panel of Commissioners, the Special Panel or, any reviewing Commissioner of the permanent panels may, by written notice to the parties, request the party appealing first to file an Abstract of the Record within thirty (30) days of the notice. The other party may file a supplemental Abstract within fifteen (15) days of the receipt of the original Abstract.

(Source: Amended at 14 Ill. Reg. 13173, effective, August 1, 1990)