**Section 7070.10 Settlement Contracts**

a) Filing Requirements

1) Settlement Contracts shall be filed in quadruplicate on a form provided by the Commission and docketed. Where an application is pending, the contracts must bear the docket number of the application. Where no application has been filed, the contracts shall be given an original number and letter in the same manner as an application. In cases involving payment into the Second Injury Fund, one (1) additional copy shall be filed for record purposes. In addition, a stamped envelope must be submitted addressed to each person who is to receive copies of the approved contract by mail.

2) Settlement Contracts shall be accompanied by "Attorney Representation Agreement" on a form prescribed by the Commission and completely filled out and signed by Petitioner and attorney, if such contract has not been previously filed.

b) Contents

Settlement Contracts forms shall be completed in full and accompanied by an appropriate signed physician's report concerning the nature and extent and probable duration of the disability resulting from the alleged accident.

1) In cases of injury to an eye, the report shall state the prognosis with regard to the uninjured eye as well as the injured eye.

2) In cases involving claim for death benefits, the report shall refer to the medical cause of death. In addition, in death cases, photostatic copies of the death certificate, and, where applicable, marriage certificate of the decedent and birth certificates of any minor children of the decedent, shall accompany the Settlement Contracts. In addition, the Petitioner shall file a written explanation of how the dependents of the decedent will be supported following the approval of the appropriateness of the settlement.

3) If a Petitioner has not returned to gainful employment at the time of the settlement due to disability caused by the accident, the Petitioner shall file a written explanation of how the Petitioner and his dependents will be cared for during the length of the disability, and any other information relevant to determining the appropriateness of the settlement.

c) Assignment

1) Settlement Contracts submitted by a Respondent and Petitioner represented by an attorney, wherein the Petitioner waives his right to have a settlement approved by an Arbitrator or a Commissioner shall be approved by the Industrial Commission without the necessity of review by an Arbitrator or Commissioner if and only if the Petitioner's attorney submits a written statement that:

A) The Petitioner is not under medical care or undergoing physical or vocational rehabilitation;

B) The Petitioner has returned to gainful employment for 60 days or more prior to the date of the settlement; and

C) The injury did not result in a disability listed in Attorney's Fees (50 Ill. Adm. Code 7080.10 (a)).

2) Settlement Contracts on cases originating in Cook County, which have not previously been assigned to an Arbitrator or Commission. Settlement Contracts on cases originating outside of Cook County may be filed with the Arbitrator to whom the case is assigned or with the Commissioner who reviews cases from the territory in which the accident occurred. Settlement Contracts on cases which have been previously assigned to a Commissioner for review, shall be assigned to said Arbitrator or Commissioner.

3) If a Petitioner is not represented by an attorney, a different assignment procedure may be established from time to time by directive of the Commission for the benefit of such Petitioners. An attorney may file a motion requesting an immediate hearing on a settlement for good cause. If the motion is granted, the settlement will be assigned in the same manner as settlements of non-represented Petitioners.

d) Appearance of Petitioner

If both parties are represented by an attorney, the Arbitrator or Commissioner to whom the Settlement Contract has been assigned may approve or reject the Settlement Contract solely on the basis of information in the Settlement and the medical and other reports required to be submitted pursuant to Subsection (B) of this Part. Prior to rejection of a Settlement Contract in such a case, the Arbitrator or Commissioner shall give the parties an opportunity to be heard.

(Source: Amended at 5 Ill. Reg. 4580, effective April 13, 1981)