**Section 9040.70 Statements of Exceptions and Supporting Briefs and Abstracts**

a) In the event that more than one party files for Review, without regard to who filed first, each party may file its own Statement of Exception(s), as well as a Response.

b) Except in cases in which Section 19(b-1) Petitions have been filed, each party filing a Petition for Review of an Arbitrator's decision, or other proceedings 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 Exceptions and Supporting Brief setting forth:

1) the identity of the party filing;

2) the names of the parties and the Commission number assigned to the case or 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 that an award of benefits by reason of death or permanent total disability was granted;

E) the dollar amount of any awards, or other findings, under Sections 4(i), 8(f), 16, 19(k) and 19(l), of the Act, if any;

7) appellant's Statement of Exceptions 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 issue, together with citation of any legal authorities, including Commission decisions, that support the position of the issue.

c) Three (3) copies of the appellant's Statement of Exceptions and the Supporting Brief shall be filed with the Commission and served on all parties not later than 30 days from the Return Date on Review. The appellee may submit a response, filing 3 copies of the response with the Commission, and shall serve copies of the response on all parties within 15 days from the last day allowed for the filing of appellant's Statements of Exceptions and Supporting Brief. A Statement of Exceptions and Supporting Brief,

and any response to those documents:

1) shall be written or printed on one side of no more than 20 8½ x 11" sheets of paper or shall contain no more than 5,200 words, whichever is greater; and

2) shall include a certificate of the date and manner of service of copies on all other parties.

d) All documents filed under this Section shall bear the caption of the case, including the Commission case number, and shall include, directly under the case number in the caption, 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. 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). 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 Exceptions and Supporting Brief, and to those in any complying response to those documents. Failure of any party to timely file any Statement of Exceptions and Supporting Brief or Response Brief required by this Section, including an abstract when required under subsection (f), shall constitute a forfeiture of the right to oral argument by that party. When a party has timely filed, that party may petition the Commission to present oral arguments in support of its Statement of Exceptions and Supporting Brief and/or Response Brief. Within 15 days after the date the last filing was due, a party that has timely filed may petition the Commission for oral argument. The assigned Commissioner may order oral argument at his or her discretion, not withstanding anything to the contrary in this Part.

e) Timely filing shall be shown by:

1) the date file stamped on the document at the time of receipt by the Commission;

2) a legible postmark date 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 least 2 calendar days prior to the date on which the document was due to be filed in accordance with this subsection (e). 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 that is not a Saturday, Sunday or holiday;

3) an Order entered at the discretion of the assigned Commissioner upon written Motion.

f) Abstracts on Review

1) Any reviewing Commissioner may, by notice to the parties, order the party first filing for Review to file an Abstract of the Record and serve a copy of that abstract upon all other parties within 30 days after the notice. Any other party may file a supplemental Abstract within 15 days after receipt of the original Abstract.

2) Upon Motion, any party may request leave to file an Abstract of the Record, which may be allowed at the discretion of the reviewing Commissioner, as provided in subsection (f)(1).

(Source: Amended at 40 Ill. Reg. 15748, effective November 9, 2016)