**Section 9100.85 Administration of Claims Against the Injured Workers' Benefit Fund**

a) Reimbursement

1) *The Commission shall have the right to obtain reimbursement for any compensation obligations paid by the Injured Workers' Benefit Fund (IWBF) from* any individual employer/owner, corporate officer, director of a corporate employer, partner of an employer partnership, or member of an employer limited liability company. (Section 4(d) of the Act)

2) *If an injured employee or his or her personal representative receives payment from the IWBF, the State of Illinois has the same rights under Section 5(b) of the Act/WODA that the employer who failed to pay the benefits due to the injured employee would have had if the employer had paid those benefits. Any moneys recovered by the State as a result of the State's exercise of its rights under those statutes shall be deposited into the IWBF for the payment of claims.* (Section 4(d) of the Act)

b) Administration for IWBF Payout

To qualify for payment from the IWBF, a claimant must have filed an Application for Adjustment of Claim against the employer (see 50 Ill. Adm. Code 9020.20) and must have named the State Treasurer as ex-officio custodian of the IWBF as a party respondent, or must have amended the Application of Adjustment of Claim to do so.

(Source: Added at 40 Ill. Reg. 15788, effective November 9, 2016)