**Section 120.640 Administrative Law Judge's Decision** **and Order**

a) The ALJ's decision shall be in writing and, when necessary, include findings of fact and conclusions of law and opinions. The findings of fact shall be based exclusively on the evidence presented at hearing or known to all parties, including matters officially noticed. The ALJ shall, in addition to the decision, issue an appropriate order. The decision in the case shall become effective immediately upon the execution of the order by the ALJ or as otherwise specified within the order or an applicable statute. A copy of the order shall be delivered or mailed to each party of record and to each attorney of record. This Section applies to all formal hearings held pursuant to the Child Labor Law [820 ILCS 205], Day and Temporary Labor Services Act [820 ILCS 175], Nurse Agency Licensing Act [225 ILCS 510], Prevailing Wage Act [820 ILCS 130/9 and 11a], Health and Safety Act [820 ILCS 225], Safety Inspection and Education Act [820 ILCS 220], Illinois Worker Adjustment and Retraining Notification Act [820 ILCS 65], Employee Classification Act [820 ILCS 185/25], Private Employment Agency Act [225 ILCS 515/12], One Day Rest in Seven Act [820 ILCS 140/6] and Carnival and Amusement Rides Safety Act [430 ILCS 85/2-8.1, 2-12 and 2-15].

b) The ALJ shall forward a copy of his or her decision, including findings of fact, opinions, recommendations and order, to each party of record. Each party of record shall be allowed 10 days in which to submit exceptions to the findings, opinions, recommendations and order of the ALJ and to present a brief in support of those exceptions. In the event no timely or proper exceptions are filed, the findings, conclusions, recommendations and order shall automatically become the decision and order of the Director. All objections and exceptions to the Director's decision and order shall be deemed waived for all purposes. Service of the ALJ's decision and of the order transferring the case to the Director shall be complete upon mailing.

c) Exceptions

1) Each exception shall:

A) set forth specifically the questions of procedure, fact, law or policy to which exception is taken;

B) identify that part of the ALJ's decision to which objection is made;

C) designate by precise citation of page the portions of the record relied on; and

D) concisely state the grounds for the exception.

2) If a supporting brief is filed, the exceptions document shall not contain any argument or citation of authority in support of the exceptions. Those matters shall be set forth only in the brief. If no supporting brief is filed, the exceptions document shall also include the citation of authorities and argument in support of the exceptions, in which event the exceptions document shall be subject to a 25 page limit. If a supporting brief is filed, it shall be subject to a 20 page limit.

d) Any exception to a ruling, finding, conclusion or recommendation that is not specifically stated shall be deemed to have been waived. Any exception that fails to comply with subsection (c) may be disregarded. Any brief in support of exceptions shall not refer to any matter not included within the scope of the exceptions and shall contain, in the order indicated, the following:

1) A clear and concise statement of the case, containing all that is material to the consideration of the questions presented.

2) A specification of the questions involved and to be argued, together with a reference to the specific exceptions to which they relate.

3) The argument, presenting clearly the points of fact and law relied on in support of the position taken on each question, with specific page reference to the record and the legal or other material relied on.

e) Within 10 days, or such further period as the Director may allow, from the last date on which exceptions and any supporting brief may be filed, a party opposing the exceptions may file an answering brief to the exceptions, in accordance with this subsection. The answering brief to the exceptions shall be limited to the questions raised in the exceptions and in the brief in support of the exceptions. It shall present clearly the points of fact and law relied on in support of the position taken on each question. When exception has been taken to a factual finding of the ALJ and the exception is proposed to support that finding, the answering brief should specify those pages of the record that, in the view of the party filing the brief, support the ALJ's finding. The answering brief shall be limited to 20 pages.

f) Requests for extension of time to file an answering brief to the exceptions shall be in writing and copies shall be served promptly on the other parties.

g) Any matter not included in the exceptions may not thereafter be raised to the Director or in any further proceeding and is deemed waived for all purposes.

(Source: Amended at 38 Ill. Reg. 17631, effective August 15, 2014)