**Section 2720.140 Adjudicator Determination**

a) The Adjudicator's Determination will set forth, in writing, its factual and legal basis. The Department will mail a copy of the Adjudicator's Determination to all parties (see Section 2720.1). For an employing unit that is not entitled to party status under Section 702 of the Act, the Department will mail to the nonparty employing unit:

1) A copy of the Determination regarding the claimant's eligibility for benefits as information only if the employing unit's protest is untimely pursuant to Section 2720.130, or if the claimant is disqualified under a separation issue (Sections 601, 602 and 603 of the Act) and the employing unit from which the separation occurred filed no protest;

2) A copy of the Determination that the employing unit's protest is insufficient pursuant to Section 2720.130, from which the employing unit may make an appeal, after affording the employing unit an opportunity to submit a sufficient protest in accordance with Section 2720.130.

b) When the employing unit files a sufficient protest alleging that the claimant is not able to perform work, unavailable to accept work, or not actively seeking work, the Adjudicator's Determination shall be limited to the claim period set forth in the protest (or the date of the initial claim if the protest is timely pursuant to Section 2720.130) and not beyond the last week for which the claimant has certified for benefits at the time of the Adjudicator's Determination.

1) If the Adjudicator determines that the claimant is ineligible, the Adjudicator will send his or her written Determination to the claimant and protesting employing unit and continue to investigate the claimant's ability, availability, or work search, as appropriate, for each week for which the claimant files a Claim Certification. The claimant will not receive benefits for any subsequent weeks until and unless an Adjudicator determines that the condition alleged to cause the disqualification no longer exists or that the claimant is actively seeking work, as appropriate; in that case, the Adjudicator's written Determination that the claimant is eligible from a specific date will be sent to the claimant and the protesting employing unit.

2) Once an Adjudicator determines the claimant eligible, the Adjudicator will provide the employing unit with no further Determinations on the claimant's ability, availability, or work search for a subsequent period unless the employer files a sufficient protest for a subsequent period (see Section 2720.130) or the Adjudicator has other reason to investigate the claimant's ability, availability, or work search.

3) If the determination of eligibility is appealed, reversed and benefits denied, parties to the appeal will receive a subsequent determination setting forth the date on which the claimant became able to work, available for work, or began actively seeking work, as appropriate.

c) When an employing unit files an untimely but otherwise sufficient protest alleging that the claimant was discharged for committing a felony or theft in connection with his or her work, the Adjudicator will make and issue a Determination under Section 602A of the Act (discharge for misconduct), though the employing unit shall not be a party to that Determination.

(Source: Amended at 43 Ill. Reg. 6385, effective May 14, 2019)