**Section 2720.205 Notice of Hearing**

a) Written notice of the time, date and place of the hearing shall be mailed to the parties at least 10 days before the date of the hearing.

b) The notice will identify the parties and the Findings or Determination being appealed and will inform the parties of the issues upon which the appeal is based.

c) In the event that a claimant appeals an Adjudicator's Determination regarding a separation issue (Sections 601, 602 and 603 of the Act), and when the employing unit from which the separation occurred is not a party, the employing unit will receive notice of hearing that it may attend as a nonparty and present such facts and evidence as it may possess.

d) No hearing, or part of a hearing, shall be conducted on an issue to which the parties have not been given notice pursuant to subsections (a) and (b) unless the notice is waived by all parties either in writing or on the record.

e) Unless notice is waived under subsection (d), if, during or after the hearing, the Referee determines that the facts require a Decision under a Section of the Act different from the Section specified in the notice given under subsections (a) and (b), or that the notice does not accurately describe the question at issue, then the Referee shall immediately terminate the hearing, if applicable, issue no Decision on the merits for the Section or questions for which proper notice was not given, and shall either:

1) Remand the unresolved issues back to the Claims Adjudicator for a Finding or Determination on the correct issues if facts or issues are introduced that were not previously presented to the Claims Adjudicator; or

EXAMPLE: The Referee is examining the claimant with respect to the reason for separation from work. During the course of the hearing, the claimant indicates that he may not be able to work. Under the circumstances, the Referee shall remand the case to the Claims Adjudicator for a Determination under Section 500 of the Act.

2) Cause new notices containing the correct issues to be mailed to the parties when the facts remain the same as presented to the Claims Adjudicator but the incorrect issue was identified.

EXAMPLE: Based solely on the testimony of the claimant, the Claims Adjudicator determines that the claimant was discharged from his last job. After hearing testimony from the parties, the Referee decides that the separation was caused by the claimant's voluntary resignation. Here, if the parties refuse to waive notice, the Referee shall cause new notices containing the correct issue to be mailed to the parties.

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