**Section 2720.240 Continuances**

a) The Referee to whom the appeal was assigned, or a hearings supervisor if the Referee is not available, shall grant a continuance requested by a party only for "exceptional reasons". The request must be made in person, by telephone, or in writing by mail, fax or e-mail. The request must be received prior to the conclusion of the hearing. A request for continuance received after the conclusion of the hearing will be treated as a request for reopening in accordance with Section 2720.255. "Exceptional reasons" are limited to:

1) Compassionate Grounds:

A) Medical reasons that prevent the individual from appearing if the Referee is provided with proper documentation or proof of those reasons, including but not limited to a previously scheduled medical appointment; or

B) Medical emergency or death in the family;

2) Unforeseen circumstances such as accident, flood, fire, civil disorder, public utility emergency, military necessity, or other insuperable interference;

3) A demand by a party to obtain legal representation or to inspect the case file, provided that it is shown at the time of the request that due diligence was exerted to obtain that representation or to inspect the file;

4) The claimant is employed, is scheduled for an employment interview, or is participating in a training program approved for him or her by the Director under the provisions of Section 500C5 of the Act at the time of the hearing and cannot reasonably appear at the hearing either in person or by telephone;

5) When a party's attorney has a conflict in his or her schedule because he or she has an appointment with a client, a court appearance or comparable matter scheduled for the same time as the hearing before the Referee and the attorney cannot reasonably appear at the hearing before the Referee and cannot reasonably find a substitute counsel;

EXAMPLE: A continuance is requested because a party's attorney has a conflict in his schedule because he has a court appearance scheduled for the same time as the hearing before the Referee. The court appearance is for a routine matter, such as an agreed motion or a status call, which could be handled by another member of the attorney's firm. Such a conflict will not constitute good cause for a continuance. It will be incumbent on the attorney to reschedule his court appearance or obtain substitute counsel to appear in his stead before the Referee.

6) The employer's representative or witness is unable to appear either in person or by telephone due to a plant shutdown for vacation, inventory or holiday that is provided for by a collective bargaining agreement or the employer's custom and the Referee is provided with documentation of that contract agreement or custom;

7) A party is unable to attend the hearing either in person or by telephone due to a conflicting legal or regulatory requirement, including but not limited to jury duty; or

8) When, at the same time as the hearing before the Referee, a party's representative is scheduled to participate in another hearing before a Referee or Director's representative and no other reasonable accommodation can be made, on the condition that the representative notifies the Department of the conflict no later than five working days after issuance of the hearing notice that should have made the conflict patently evident.

b) In the event that a continuance is granted, the hearing will be set for the earliest available time and date, but, absent exceptional reasons, no more than seven days after the scheduled hearing. The Department will inform the parties of the date, time and place of the continued hearing either orally or in writing.

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