**Section 2720.345 Issuance Of Notice Of Right To Sue**

a) If at the expiration of 120 days from the date of the filing of the appeal or after the expiration of an extension issued pursuant to Section 2720.340, whichever is later, the Board of Review has failed to issue its Decision, the appellant may file a written request, by certified mail, return receipt requested, for a Notice of Right to Sue.

b) Upon receipt of a request for a Notice of Right to Sue, the Board of Review shall either issue a Notice of Right to Sue, shall issue its Decision, or take no action.

c) If the Board of Review neither issues a Notice of Right to Sue nor its Decision within 14 days of the date of filing of the request for a Notice of Right to Sue, the Decision of the Referee shall be final and the appellant shall have a right to seek judicial review under the Administrative Review provisions in Article III of the Code of Civil Procedure. Any Decision of the Board of Review issued after the expiration of this 14 day period shall be null and void.

d) If the Board of Review issues a Notice of Right to Sue, the party to whom it is issued shall have 35 days from the date of mailing of the Notice in which to commence an action for judicial review. If the Board of Review fails to issue a Decision or a Notice of Right to Sue, the appellant shall have 35 days from the day following the 14th day after it filed its request for a Notice of Right to Sue in which to commence an action for judicial review.

(Source: Added at 11 Ill. Reg. 14338, effective August 20, 1987)