**Section 508.60 Motions**

a) Motions, unless made during a hearing, shall be made in writing and shall set forth the relief or order sought and the legal authority for the action requested. Except as otherwise provided in this Part or by a specific statute or rule, motions may seek any relief or order recognized in the Illinois Code of Civil Procedure [735 ILCS 5] and Rules of the Illinois Supreme Court and shall include a reference to the applicable Section of such Code or Rules. Motions based on a matter that does not appear of record shall be supported by affidavit.

b) Written motions shall be titled as to the party making the motion and the nature of the relief sought. Such title shall be in capital letters and shall be placed either below the caption or to the right of the caption beneath the docket number. No motion shall be identically titled with any other motion. Examples of properly titled motions: RESPONDENT'S MOTION TO DISMISS, RESPONDENT'S SECOND MOTION TO DISMISS.

c) Motions, objections and requests for continuances and all responses shall be in writing unless made at a prehearing conference or a hearing.

d) Motions on the pleadings if not raised at the earliest opportunity shall be deemed waived. Motions on the pleadings shall not be granted if the pleadings are not in conformity with this Section.

e) The administrative law judge shall not have the authority to dismiss, postpone, vacate, or overturn an order or decision issued by the Secretary.

f) Motions for a continuance shall be granted only for good cause shown. Good cause may include, but is not limited to, the death or illness of the grievant or a witness, inclement weather that severely limits travel in the area of the hearing, etc. With the exception of an emergency, motions for a continuance shall be in writing and filed at least 7 days prior to the hearing. Motions for a continuance shall be made immediately when the party learns that a continuance is needed and shall contain statements as to when the party learned that a continuance was needed, steps that were taken to avoid the continuance, and the current reasons the continuance is needed. After one continuance has been granted to a party additional continuances may be granted to that party only if:

1) a hearing on the issue of whether or not to grant the continuance has been held and the administrative law judge finds that the moving party has presented sufficient evidence showing entitlement to another continuance;

2) there is an emergency; or

3) all parties so stipulate.

g) Whenever possible, as much of the hearing as possible shall be completed and only those matters that must be continued shall be continued.

h) If there is an unforeseen emergency, motions for a continuance may be made by telephone rather than in writing. Motions by telephone shall be made through a conference call involving the administrative law judge and all parties and shall be confirmed within 3 days by the filing of a written motion.

i) At any time prior to the issuance of the administrative law judge's recommended decision, the party may move to disqualify the administrative law judge on the grounds of bias or conflict of interest. Bias or conflict of interest may include, but is not limited to, the grievant or a witness being a family member of the administrative law judge, the existence of a financial relationship between the administrative law judge and a witness or the grievant, etc. Such motion shall be made in writing to the administrative law judge, setting out the specific instances of bias or conflict of interest. An adverse decision or ruling, in and of itself, is not grounds for disqualification. The administrative law judge's employment, or contract as an administrative law judge, by the Department is not, in and of itself, a conflict of interest. The appeal shall be suspended until the administrative law judge rules on the motion. The administrative law judge may decide to disqualify himself/herself if a determination of bias or conflict of interest exists or may decide that the appeal should be denied. If the motion is granted the Secretary shall appoint a new administrative law judge.

(Source: Amended at 28 Ill. Reg. 1122, effective December 31, 2003)