**Section 107.339 Appeal**

a) Orders of dismissal and orders directing compliance may be appealed to the Secretary. An appeal must be filed within 20 days after service of the compliance order.

b) The decision of the Secretary on appeal shall be made on the record of the hearing, including all pleadings and the decision of the officer who presided at the hearing. No additional evidence shall be considered by the Secretary without a positive showing by the party presenting such evidence that the evidence was not available or, through due diligence, could not have been made available at the hearing. At the discretion of the Secretary and upon reasonable notice to the parties oral argument may be had on appeal. Any party requesting oral argument must detail in his petition for appeal the reasons for the request for argument.

c) The Secretary may stay the effectiveness of an order where the equities so require. The filing of an appeal does not stay the effectiveness of the order unless the Secretary expressly so provides.

d) Petition for appeal shall detail the assailed findings and be confined to factual and legal issues which are essential to the ultimate and just determination of the proceeding. Petitions shall not exceed 10 pages in length, excluding a separate preface and summary of argument which shall not exceed 3 pages. A reply to the petition, if any, shall be filed within 20 days of receipt of the petition for appeal and shall meet the same requirements as to length and format.

(Source: Amended at 3 Ill. Reg. 49, effective December 10, 1979)