

1 TITLE 56: LABOR AND EMPLOYMENT  
2 CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY  
3 SUBCHAPTER a: GENERAL PROVISIONS  
4

5 PART 2720  
6 CLAIMS, ADJUDICATION, APPEALS AND HEARINGS  
7

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91 AUTHORITY: Implementing and authorized by Sections 239, 409, 500, 604, 612, 700, 701,  
 92 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1502.4, 1700, 1701,  
 93 2300, 2301, 2302 and 2304 of the Unemployment Insurance Act [820 ILCS 405].

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95 SOURCE: Adopted at 8 Ill. Reg. 24957, effective January 1, 1985; amended at 10 Ill. Reg.  
 96 12620, effective July 7, 1986; amended at 11 Ill. Reg. 14338, effective August 20, 1987;  
 97 amended at 11 Ill. Reg. 18671, effective October 29, 1987; amended at 12 Ill. Reg. 14660,  
 98 effective September 6, 1988; emergency amendments at 13 Ill. Reg. 11890, effective July 1,  
 99 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 18263, effective November 9, 1989;  
 100 amended at 14 Ill. Reg. 15334, effective September 10, 1990; amended at 14 Ill. Reg. 18489,  
 101 effective November 5, 1990; amended at 16 Ill. Reg. 2556, effective January 30, 1992;  
 102 emergency amendment at 16 Ill. Reg. 7506, effective April 22, 1992, for a maximum of 150  
 103 days; emergency expired September 19, 1992; amended at 17 Ill. Reg. 17937, effective October  
 104 4, 1993; amended at 18 Ill. Reg. 16340, effective October 24, 1994; amended at 21 Ill. Reg.  
 105 9441, effective July 7, 1997; amended at 21 Ill. Reg. 12129, effective August 20, 1997;  
 106 emergency amendment at 27 Ill. Reg. 4217, effective February 15, 2003, for a maximum of 150  
 107 days; emergency expired July 15, 2003; amended at 29 Ill. Reg. 1909, effective January 24,  
 108 2005; amended at 32 Ill. Reg. 13177, effective July 24, 2008; amended at 33 Ill. Reg. 9623,  
 109 effective August 1, 2009; amended at 35 Ill. Reg. 6114, effective March 25, 2011; emergency  
 110 amendment at 43 Ill. Reg. 808, effective January 1, 2019 for a maximum of 150 days; amended  
 111 at 43 Ill. Reg. 1523, effective January 15, 2019; amended at 43 Ill. Reg. 6385, effective May 14,  
 112 2019; emergency amendment at 44 Ill. Reg. 9262, effective May 15, 2020, for a maximum of  
 113 150 days; amended at 44 Ill. Reg. 14672, effective August 27, 2020; emergency amendment at  
 114 44 Ill. Reg. 12656, effective July 10, 2020, for a maximum of 150 days; amended at 44 Ill. Reg.  
 115 17647, effective October 23, 2020; emergency amendment at 45 Ill. Reg. 2267, effective  
 116 February 8, 2021, for a maximum of 150 days; amended at 45 Ill. Reg. 7134, effective May 27,  
 117 2021; emergency amendment at 46 Ill. Reg. 1155, effective December 27, 2021, for a maximum  
 118 of 150 days; amended at 46 Ill. Reg. 5664, effective March 24, 2022; amended at 48 Ill. Reg.  
 119 \_\_\_\_\_, effective \_\_\_\_\_.

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121 SUBPART B: APPLYING FOR UNEMPLOYMENT INSURANCE BENEFITS

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123 **Section 2720.160 Reconsidered Findings or Determination**

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- 125 a) Upon the written request of a party or the receipt of new information relating to  
 126 the original issues, and subject to the time limits set forth below, an Adjudicator  
 127 may reconsider an original Finding or Determination.~~An Adjudicator shall~~  
 128 ~~reconsider an original Finding or Determination at the written request of a party~~  
 129 ~~or upon receipt of new information relating to the original issues, if the request is~~

*received by the Department within the following time limits:*

- 1) In the case of a Finding, an Adjudicator may reconsider his or her Finding within 13 weeks after the close of the claimant's benefit year;~~*In the case of a Finding, within 13 weeks after the close of the claimant's benefit year;*~~
- 2) In the case of a Determination that does not involve the issue as to whether or not the claimant misstated his or her earnings for the week, or whether or not the claimant has been paid wages by reason of a back pay award made by any governmental department or pursuant to arbitration proceedings, or by reason of a payment of wages wrongfully withheld by an employing unit, an Adjudicator may reconsider his or her Determination within one year after the last day of the week for which the Determination was made;~~*In the case of a Determination, within 1 year after the last day of the week for which the Determination was made, except that, if the issue is whether or not the claimant misstated his or her earnings for the week or whether or not the claimant has been paid wages by reason of a back pay award made by any governmental department or pursuant to arbitration proceedings or by reason of a payment of wages wrongfully withheld by an employing unit, within 3 years after the last day of the week [820 ILCS 405/703];*~~
- 3) In the case of a Determination that involves the issue as to whether or not the claimant has been paid wages by reason of a back pay award made by any governmental department or pursuant to arbitration proceedings, or by reason of a payment of wages wrongfully withheld by an employing unit, an Adjudicator may reconsider his or her Determination within three years after the last day of the week for which the Determination was made;
- 4) In the case of a Determination that involves the issue as to whether or not the claimant misstated earnings for any week beginning on or after March 15, 2020, an Adjudicator may reconsider his or her Determination within five years after the last day of the week for which the Determination was made [820 ILCS 405/703];
- 5) A Finding or Determination shall not be reconsidered subsequent to the filing of an appeal under Section 2720.200, except when the issue is newly discovered as to whether or not the claimant misstated his or her earnings, or unless the matter is remanded to the Adjudicator by a Referee, the Board of Review or a court.

- b) A reconsidered Finding or Determination shall relate only to the issues and period of time set forth in the original Finding or Determination.

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- c) The Adjudicator shall investigate the original records and facts and document a report of a reconsidered investigation that includes the new information and shall:
  - 1) Affirm the original Finding or Determination if the new facts are not sufficient to modify or reverse the original Finding or Determination and, unless otherwise instructed by the party, process an appeal to the Referee on behalf of the requesting party, in accordance with Section 2720.200, in which case the appeal shall be considered an appeal to the original Finding or Determination; or
  - 2) Modify or reverse the original Finding or Determination if the new facts require a different result, and issue a reconsidered Finding or Determination to the parties vacating and replacing the original Finding or Determination and affording full appeal rights under Section 2720.200 as to the reconsidered Finding or Determination.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)