**Section 310.232Stay of Contested Case Hearings for Military Service**

a) *"Military Service" means any full-time training or duty, no matter how described under federal or State law, for which a service member is ordered to report by the President, Governor of a state, commonwealth, or territory of the United States, or other appropriate military authority.*

*"Service Member" means a resident of Illinois who is a member of any component of the U.S. Armed Forces or the National Guard of any state, the District of Columbia, a commonwealth, or a territory of the United States.*

b) *In a contested case in which a named party is a service member who has entered military service, for a period of 14 days that follow the conclusion of military service, the administrative law judge shall, upon motion made by or on behalf of the service member, stay the hearing for a period of 90 days if the service member's ability to appear at the hearing is materially affected by his or her military service.*

c) *In order to be eligible for the benefits granted to service members under this Section , a service member must demonstrate that his or her military service has been in excess of 29 consecutive days and has materially affected his or her ability to attend the hearing by submitting to the* hearing officer *a letter from the service member's commanding officer stating that the service member's military duty has prevented the service member from appearing at the hearing and that military leave has not been authorized. The service member must also provide the* hearing officer *with an approximate date of availability.*

d) *Additional stays of the contested case hearing shall be permitted at the discretion of the* hearing officer *if all of the requirements of this Section are met.*

e) *A violation of this Section constitutes a civil rights violation under the Illinois Human Rights Act* [775 ILCS 5]. *All proceeds from the collection of any civil penalty imposed under this subsection shall be deposited into the Illinois Military Family Relief Fund.* [5 ILCS 100/10-63]

(Source: Added at 42 Ill. Reg. 16010, effective August 1, 2018)