**Section 104.940 Request for Hearing**

a) Any person may request a hearing before an administrative law judge to contest the Department's recovery action. All such requests must be received by the Department within 30 days after receipt of the Department's notice of intent to recover money.

b) A request for a hearing must be in writing and must contain a brief statement of the basis upon which the Department's recovery action is being challenged.

c) If a request for a hearing is not properly received, or is received but later withdrawn, the Department's decision and the grounds asserted in the Department's notice of intent to recover money as the basis for that decision shall be a final and binding administrative determination.

d) If a request for a hearing is properly received, the Department will schedule a hearing to take place within 30 days after the Department's receipt of the request for a hearing. The Department will notify the parties in writing of the date, time and place of the hearing.

e) A request for a hearing may be withdrawn prior to the hearing. A withdrawal must be in writing and signed by the person seeking the withdrawal and/or his or her representative. The hearing request may also be withdrawn on the record during the hearing.

(Source: Added at 36 Ill. Reg. 7530, effective May 7, 2012)