**Section 336.80 How to Request an Administrative Appeal Hearing/Sufficiency**

After the Department has indicated a report and issued a notice of the final finding determination and the right to an administrative hearing, the perpetrator named in the notification may appeal by filing a timely and sufficient written Request for Appeal with the Administrative Hearings Unit (AHU). The request must be filed in person, mailed, faxed or delivered by a third-party commercial carrier to the AHU address or fax number within 60 days after the notification sent by the State Central Register (SCR); however, the 60 days is tolled for those exceptions in subsection (e). Upon receipt of a timely request for a regular appeal, the Department shall send the appellant, prior to the scheduled pre-hearing, a copy of the investigative file from which confidential information has been deleted in accordance with 89 Ill. Adm. Code 431.

a) For purposes of determining timeliness, an appeal shall be deemed filed:

1) as of the date of the postmark;

2) as of the date of receipt by the AHU, if the appeal was filed in person at the AHU office; or

3) the date the appeal was received by electronic facsimile transmission at the AHU office or the date of electronic filing (email), when available.

b) When the last day for the filing of an appeal falls upon a day on which the AHU is not open for business, an appeal shall be deemed timely if filed by the first regular business day thereafter.

c) An appeal shall be deemed sufficient if it provides the following information in legible form:

1) name, address and phone number (if any) of the appellant and the SCR number; and

2) name, address and phone number of the appellant's representative (if applicable).

d) In the event that the Chief Administrative Law Judge finds an appeal to be timely but not sufficient (see subsection (c)), the appeal and a request for the required missing information shall be returned to the appellant within 5 days after receipt by the AHU. If the appellant re-files a sufficient appeal within 5 days from the postmark of the date that appeal is returned, the appeal shall be considered timely. The AHU shall not consider an appeal actionable, and no time frames shall begin to run, until receipt of a sufficient appeal. If the appeal does not have a legible name or address, the Chief ALJ may dismiss the appeal.

e) *The 60-day deadline for filing a request to amend the record or remove the record of the report from the State Central Register* *shall be tolled until after the conclusion of any criminal court action in the circuit court or after adjudication in any juvenile court action concerning the circumstances that give rise to an indicated report.* [325 ILCS 5/7.16]

f) If the appellant requests an expedited hearing, and the Chief ALJ is unable to determine if the appellant is a child care worker, the Chief ALJ shall request that the appellant provide documentation to validate his or her child care worker status as soon as is practicable, but not later than 5 days after receiving the appellant's request. Any documentation requested by the Chief ALJ should be provided by the appellant within 10 days after the request. If no such documentation is provided, the appeal will be deemed non-expedited and scheduled accordingly. If the appellant makes a timely submission of the requested documentation, the Chief ALJ shall make a written ruling on the child care worker's status as promptly as possible, but no later than 5 days after receiving the appellant's documentation. A written notification of the Chief ALJ's decision shall be sent to the appellant. Any time expended for the request, review and determination by the Chief ALJ as to the appellant's status as a child care worker shall not be attributed to the Department.

g) Appellants unable to file a written request for an appeal may request and receive appropriate assistance from Department field office staff to ensure that a proper written request for an appeal is made.

(Source: Amended at 41 Ill. Reg. 15260, effective December 6, 2017)