

**THE RETIREMENT BOARD
OF THE
FIREMEN'S ANNUITY AND BENEFIT FUND
OF CHICAGO**

Procedural Rules Established Pursuant to 40 ILCS 5/6-191 Governing Applications for and Administrative Hearings upon Applications for Duty, Occupational Disease or Ordinary Disability Benefits and all other Benefits Provided for in Chapter 40, Act 5, Article 6 of the Illinois Compiled Statutes (as from time to time amended).

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**EFFECTIVE DATE: JUNE 1, 2000
Revised 11/09, 09/15, 7/17**

Received by: _____

Applicant Name

Date

**PROCEDURAL RULES GOVERNING APPLICATIONS FOR AND
ADMINISTRATIVE HEARINGS UPON APPLICATIONS FOR
DUTY, OCCUPATIONAL DISEASE OR ORDINARY DISABILITY
BENEFITS AND ALL OTHER BENEFITS PROVIDED FOR IN
CHAPTER 40, ACT 5, ARTICLE 6 OF THE ILLINOIS
COMPILED STATUTES (AS FROM TIME TO TIME AMENDED)**

I. Jurisdiction

Rule 1. Applicable Law: (a) An application by an active firefighter for duty disability benefits provided for in 40 ILCS 5/6-151, an application by an active firefighter for occupational disease disability benefits provided for in 40 ILCS 5/6-151.1, and an application for ordinary disability benefits provided for in 40 ILCS 5/6-152 shall be adjudicated in accordance with Chapter 40, Act 5, Article 6 of the Illinois Compiled Statutes (from time to time amended) and these Procedural Rules Governing Hearings Upon Applications for Duty, Occupational Disease or Ordinary Disability Benefits (hereinafter “Procedural Rules”) as herein set forth.

(b) Applications for all other benefits provided for in 40 ILCS 5/6-101 et. seq. shall be adjudicated in accordance with the applicable sections of said statute and these Procedural Rules.

Rule 2. Conflicts: Any conflict between the statutory provisions of 40 ILCS 5/6-101 et. seq., and these Procedural Rules shall be resolved by the application of the statutory provisions.

Rule 3. Construction of Rules: These Procedural Rules shall be liberally construed to accomplish the purpose of the statute relating to the Firemen’s Annuity and Benefit Fund of Chicago (hereinafter “Board”). 40 ILCS 5/6-101 et. seq.

Rule 4. Superseding of Rules: As of the effective date hereof, these Procedural Rules shall supersede all prior rules and regulations of the Board (whether written or oral) pertaining to all hearings upon applications for benefits.

Rule 5. Amendment of Rules: Changes in these Procedural Rules may be made by a vote of a majority of the Board at a regular or special meeting, or as otherwise provided by law.

Rule 6. Availability of Rules: The Procedural Rules of the Board shall be available to the public and may be obtained from the office of the Board at any time during the normal working hours of the Board.

Rule 7. Separability: In the event any provision or term of these Procedural Rules, or any amendment thereto, is determined by a court or other authority of competent jurisdiction to be invalid, such determination shall not affect the remaining provisions which shall continue in full force and effect.

Rules 8 through 12 Incl. Reserved

II. Pre-Hearing Procedural Requirements

Rule 13. Application: (a) An active fireman may file with the Board an application for duty disability benefits pursuant to the provisions of 40 ILCS 5/6-151. (b) An active fireman may file with the Board an application for occupational disease benefits pursuant to the provisions of 40 ILCS 5/6-151.1 provided that he or she has met the required seven year service criteria indicated in the aforementioned section. For purposes of this benefit only, the Board's definition of service shall be based on the calculation of service provisions contained in 40 IL:CS 5/6-209. (c) An active fireman may file with the Board an application for ordinary disability benefits pursuant to the provisions of 40 ILCS 5/6-152. (d) An active fireman or his or her beneficiary may file an application for any benefit to which he or she is entitled pursuant to the applicable provision provided therefore in 40 ILCS 5/6-101 et. seq.

Rule 14. Time of Filing Application: (a) In order to apply for duty disability benefits or for occupational disease disability benefits, an application may be filed by an active fireman with the Board for any period of such purported disability for which the active fireman does not receive or have a right to receive salary from the Chicago Fire Department. In order to apply for ordinary disability benefits, an application may be filed by a fireman for any period or periods of such purported disability but only after thirty (30) days of the purported disability. All other applications shall be filed as provided for in 40 ILCS 5/6-101 et seq.

(b) An application will be deemed filed with the Board when it has been filed with the Board in person, in writing and signed by the applicant before a Notary Public. "In person" means the person who is filing must come to the Board him - or herself or beneficiary; the attendance of only his or her attorney is not sufficient, absent extraordinary circumstances. The Board may waive the in-person and/or the notary public requirements but only upon a showing of extraordinary circumstances. Each application, once filed, shall be docketed and assigned a case number by the Board.

(c) In the case of an applicant who has been diagnosed as being terminally ill, and who provides the Board at the time of filing of the application with a written certification from a treating physician that in said physician's medical opinion the applicant is terminally ill and not likely to live for a period in excess of one year from the date of application, the Board will accept the application, notwithstanding the fact that the applicant may not have exhausted his sick and injury leave time as provided in the Labor Contract. In order for the Board to accept the application pursuant to this subsection, the application must fully comply with the requirements of Rule 15 hereof including, without limitation, the requirement that the application be accompanied by an executed and notarized "Exit Interview Report" (completed by the Chicago Fire Department). The Board will

endeavor to hear and issue a decision on the merits of the application at the next regularly scheduled meeting of the Board following the date of application, but no sooner than the monthly following the applicant's 8:00 a.m. date. The acceptance of an application by the Board shall not be deemed or constructed in any manner to constitute a grant of the benefit being sought and the applicant must meet his or her applicable burden of proof for receipt of the benefit.

Rule 15. Contents of Application: (a) Generally, an application shall be submitted to the Board upon an application form designated by the Board for the benefit sought, shall be sworn to under oath and shall contain such detail as to substantially apprise the Board of the date, place, time and specific facts with respect to the claimed benefit and the circumstances giving rise to same.

(b) Specifically, the application attached to these rules as Exhibit A shall be the required application form to be utilized by each applicant for disability benefits and each such applicant shall be required to complete same to initiate his or her application. The application form may from time to time be modified by the Board.

(c) The following additional documents are required to accompany an application for disability benefits:

(i) An executed and notarized "Supporting Statement" in form and substance identical to Exhibit B to these Procedural Rules.

(ii) An executed and notarized "Exit Interview Report" of the Chicago Fire Department in form and substance identical to Exhibit C to these Procedural Rules.

(iii) An executed and notarized "Authorization for the Release of Medical Records" in form and substance identical to Exhibit D to these Procedural Rules.

Rule 16. Multiple Applications and Withdrawal of Application: (a) No more than one application for any type of disability benefits will be considered by the Board at the same time other than that which formed the basis of the original application. A second or subsequent application for any type of disability benefits may be filed with the Board by the same applicant only upon the withdrawal or final adjudication of the merits of the first or prior application.

(b) An application for benefits may be withdrawn with or without cause by the applicant at any time prior to, during or after a Board Hearing on the filed application.

(c) An Applicant's request to withdraw an application shall be in writing and shall be signed by the applicant before a Notary Public. The Board may approve the request for withdrawal if it is knowingly and voluntarily made.

Rule 17: Representation by Counsel: (a) If an applicant chooses to be represented by counsel at any stage of the proceedings before the Board, such counsel must file with the Board, an attorney appearance in form and substance identical to Exhibit E attached to these Procedural Rules before the Board's staff will discuss the case with him or her, and before he or she will be permitted to have access to the case files or to attend Administrative Hearings on behalf of his or her client. Upon the filing of an attorney appearance, all applicant communications thereafter shall be through counsel. Upon notification that an applicant, who has not previously been represented by counsel, thereupon wishes to exercise said option, the matter will be immediately deferred to the next regular meeting.

(b) An attorney seeking to withdraw his or her appearance shall serve a written notice upon his or her client (unless the attorney attaches, to the withdrawal, a consent signed by his or her client) and the Board setting forth the reasons for seeking the withdrawal. The attorney's client may object in writing, serving the objection upon the attorney and the Board. If an objection is filed, the Board shall rule upon the request for withdrawal by mail. After the commencement of a hearing, an attorney shall not be allowed to withdraw without written leave of the Board.

Rule 18. Interpreters: (a) If a qualified sign language or foreign language interpreter is required at any time during the application intake process or while the applicant's case is pending before the Board, the Board may provide one at no cost to the applicant upon request at least 7 days in advance of the date at which the interpreter is needed.

(b) The Board shall provide a foreign language interpreter or a qualified sign language interpreter at all public meetings of the Board upon request at least 7 days in advance of the meeting at which the interpreter is needed.

(c) If the person who has requested an interpreter is unable to attend the event for which the interpreter was needed (or otherwise no longer needs the interpreter), he or she must notify the Board at least 48 hours in advance of the time when the interpreter was to arrive. If the person does not so notify the Board without good cause, he or she shall be charged the interpreter's fees.

Rule 19. Case Management and Medical Evaluations: (a) Upon the filing of an application for disability benefits with the Board, the Board may assign the applicant to a case manager who may (i) arrange for an independent medical evaluation; (ii) arrange for a work hardening program; (iii) arrange for the applicant to be tested by Board approved physical therapy professionals who will test the applicant and prepare and deliver to the Board a functional capacity evaluation report of the applicant; and (iv) arrange for the applicant to be medically examined by a licensed and practicing physician or physicians appointed by the Board.

(b) An applicant will, at all times, cooperate in every respect with the Board and/or the Board's staff and the case manager so that the case manager's report, the functional capacity evaluation report and the medical examination report or reports by the Board's appointed physician or physicians will be promptly filed with the Board. Lack of cooperation by the applicant with the Board's staff or the case manager assigned to the applicant may result in a delay in processing the application claim or the dismissal of the applicant's application.

(c) A case manager may be assigned to the applicant. Thereafter, if disability benefits are granted to the applicant by the Board, the Board's staff and the case manager may be assigned to continue to assist the applicant on an ongoing basis in his or her rehabilitation.

(d) In the event the applicant is granted disability benefits, the applicant will, at all times, cooperate thereafter with the Board's staff and the case manager and/or any physician or physicians in every respect as to ongoing additional functional capacity evaluation tests, work hardening programs and medical examinations determined by the Board to be reasonable and necessary in the applicant's rehabilitation. Lack of cooperation by the applicant with the Board's staff and/or the case manager and/or any physician or physicians may result in the suspension of disability benefits.

(e) Pursuant to the 2009 amendments to ILCS 5/6-154 of the Pension Code (SB 1705 PA 96-0727) the Fund has adopted the following guidelines for the reexamination of those members in receipt of Duty, Occupational or Ordinary disability. A disabled fireman who is receiving a duty, occupational disease, or ordinary disability benefit shall be examined at least once a year or such longer period as determined by the Board; by one or more licensed and practicing physicians appointed by the Board. Disability recipients may be required to provide certification of continued disability from their treating physician in lieu of a reexamination with the Board's Physician in the event the appointed physician certifies in writing to the Board that the disability of the fireman is of such a nature as to render him permanently disabled and unable ever to return to service. As part of the re-examination process, each recipient of disability benefits will provide a signed statement under oath attesting to the existence and nature of any other employment they hold while in receipt of disability benefits. These guidelines are as follows:

Duty Disabilities

- Continued Case Management or
- Annual Reexamination by the Board's Physician during first 2 years on disability

All reexamination recommendations will be made on a case by case basis by the Board's Physician. Any member receiving duty disability benefits may be re-examined at any time on the recommendation of the Board's Physician and as approved by the Board. In such cases where a determination of "permanent disability" is or has been made, the member will be required at a minimum to

complete, and cause his or her treating physician to complete, including certification under oath, the Fund's "Disability Status Report" as often as may be requested by the Board, and in no event, no less frequently than every three (3) years. Notwithstanding any provision herein to the contrary, the Board reserves the right to require any person on disability to be examined by one or more licensed and practicing physicians appointed by the Board. The Board's Physician may require further medical evaluation or additional medical information from the member at any time. The Board reserves the sole right to terminate or suspend a member's receipt of a disability benefit at any time.

Occupational Disabilities

Certification for Continued Payment of Occupational Disease Disability Benefits by Treating Physician every 36 months.

In such cases where a determination of "permanent disability" is or has been made, the member will be required at a minimum to complete, and cause his or her treating physician to complete, including certification under oath, the Fund's "Disability Status Report" as often as may be requested by the Board, and in no event, no less frequently than every three (3) years. Notwithstanding any provision herein to the contrary, the Board reserves the right to require any person on disability to be examined by one or more licensed and practicing physicians appointed by the Board. The Board's Physician may require further medical evaluation or additional medical information from the member at any time. The Board reserves the sole right to terminate or suspend a member's receipt of a disability benefit at any time.

All recommendations of the Board's Physician require Board approval.

Rule 20. Applications for Widow Benefits. (a) In order to apply for a widow's annuity benefit, the widow of a fireman must submit an application to the Board upon an application form designated by the Board, which application shall be sworn to under oath and shall contain such detail as to substantially apprise the Board of the specific facts with respect to the claimed benefit. The widow must select and indicate on the application, at the time the application is filed, the benefit being sought.

(b) The following additional documents are required to accompany an application for widow's annuity benefits:

- (i) a certified copy of the husband's death certificate; and
- (ii) proof of marriage if such information is not already in file.

Rules 21 through 24 Incl. Reserved

III. Pre hearing Discovery

Rule 25. Hearing Date: Upon the filing of an application with the Board, the Board will schedule a hearing date upon which the applicant's application for disability benefits will be heard. It is the policy of the Board and the intent of these Procedural Rules that hearings upon applications be promptly conducted. However, upon good cause shown by the applicant or the Board's staff, the scheduled hearing date for the commencement of the hearing may be continued by the Board.

Rule 26. Requests by Board for Documents and Information: (a) At any time after the filing of an application, but at least 15 days prior to the hearing date scheduled by the Board for hearing upon applicant's application, the Board may serve the applicant with a Request for Documents and Information reasonably related to the applicant's claim. The applicant will respond to the Board's request within ten (10) days thereafter.

(b) The applicant may request the Board for an extension to file his or her response and the Board, for good cause shown, may in its discretion grant an extension. Objections raised in the applicant's response to the Board's Request will be ruled upon promptly by the Board.

(c) A request by the applicant for an extension to respond to the Board's request or delays resulting by reason of the Board's resolution of objections raised in the applicant's response to the Board's request will constitute good cause for a continuance of the scheduled hearing date set for the hearing on applicant's application.

(d) Failure or refusal by the applicant to respond to the Board's request for documents and information will result in the delay or dismissal of the applicant's application.

Rule 27. Request by Applicant for Documents and Information: (a) At any time after the filing of an application but at least 15 days prior to the hearing date scheduled by the Board for hearing upon applicant's application, the applicant may serve the Board with a Request for Documents and Information. The Board will respond to the applicant's request within ten (10) days thereafter.

(b) The Board's staff may request the Board for an extension to file its response and the Board, for good cause shown, may in its discretion grant an extension. Objections raised by the Board's staff in response to the applicant's request will be ruled upon promptly by the Board.

(c) A request by the Board's staff for an extension to respond to the applicant's request or delays resulting by reason of the Board's resolution of objections raised in the Board's response to the applicant's request, will constitute good cause for a continuance of the scheduled hearing date set for the hearing on applicant's application.

Rule 28. Board-Initiated Subpoena: (a) The Board may issue a subpoena on its own initiative at any time, for the appearance of witnesses, the production of evidence, or both in connection with the Administrative Hearing. If a person does not comply with a subpoena on the date set for compliance, whether due to refusal, neglect, or change in the compliance date (such as due to continuance of a Hearing) or for any other reason, the matter shall be deferred until compliance has been effected and the subpoena shall continue in effect for up to one year, and a new subpoena need not be issued during that time.

Rule 29. Applicant-Initiated Subpoena: (a) After the filing of an application, the applicant may request leave from the Board to have a subpoena issued for the appearance of witnesses, the production of evidence, or both, in connection with the Administrative Hearing. Such a request must be made in writing, must be dated, and must state the reasons the information sought is relevant to the case and could not be obtained through other discovery available. The request must be served on the Board fourteen (14) days before the date for examination or production (such as the date of the Hearing). Requests made later than fourteen (14) days before the date for examination or production shall be granted only if the requesting party shows that the need for the subpoena was not known, and could not have been known, until the time of the request. The Board shall rule on the request no less than seven (7) days before the date for examination or production.

(b) If the request for subpoena is granted, the Board shall issue the subpoena on behalf of the Board. To expedite the issuance of subpoenas, the applicant should attach to its request subpoena forms which are completed except for the relevant signature. Subpoena forms are available at the Board. The applicant is responsible for service of the subpoena, for the cost of service and for all witness and mileage fees. If a person does not comply with a subpoena on the date set for compliance, whether due to refusal, neglect or to a change in the compliance date (such as due to continuation of a Hearing), the subpoena shall continue in effect for up to one year or until full compliance is made or waived and a new subpoena need not be issued during that time.

Rule 30. Service of Subpoena: (a) Service of a subpoena by mail may be proved *prima facie* by: (1) a return receipt showing delivery by certified or registered mail at least seven (7) days before the date on which appearance or production of documents is required to: (i) the person to whom the subpoena is directed; (ii) a member of his or her household who is over 14 years of age; or (iii) his or her agent; and (2) an affidavit showing that: (i) the mailing was prepaid; (ii) it was sent restricted delivery; (iii) it was addressed to the person to whom the subpoena was directed; (iv) a return receipt was requested which shows who received it, and the date received and address of delivery; and (v) a check or money order for the fee and mileage was enclosed.

(b) In the alternative, a subpoena may be served by a person who is not less than eighteen (18) years of age. Service of a subpoena upon a person named therein shall be made by delivering a copy of the subpoena to such person, a member of his or her household who is fourteen (14) years of age, or his or her agent, and by tendering to that person the fees for one (1) day's attendance and the mileage allowed by law.

Rule 31. Objections by the Person to Whom the Subpoena was Directed: No later than the time for appearance or production required by the subpoena, the person to whom the subpoena is directed may object to the subpoena, in whole or in part. The objection shall be in writing, delivered to the Board and shall specify the grounds for the objection. For seven (7) days after receipt of a timely objection to a subpoena, the Board shall take no action to enforce the subpoena, to initiate prosecution of the person to whom the subpoena is directed or otherwise penalize the person to whom the subpoena was directed. During this seven (7) day period, the Board shall consider the grounds for the objection and may attempt to resolve the objection through negotiation with the person to whom it is directed. Negotiations may include such matters as the scope of the subpoena and the time, place and manner of response thereto. In the event negotiations fail the Board shall promptly rule on the objection or objections.

Rule 32. Failure to Comply with Subpoena: Where a person has been duly served with a Board subpoena in accordance with these Procedural Rules and that person fails to comply without good cause, the Board shall seek judicial enforcement of the subpoena.

Rule 33. Briefing: (a) If the Board determines that an issue is involved in the case such that a written submission may help to clarify that issue, the Board may require the applicant to submit, by a specified date, briefs not to exceed five (5) pages to the Board.

(b) If an applicant or the Board's counsel believes that an issue is involved in the case such that a written submission may help to clarify or resolve the issue, the applicant or the Board's counsel with Board permission, may submit a brief to the Board on the issue. The briefs may not exceed five (5) pages and shall be due not later than ten (10) days preceding the scheduled hearing dates.

Rule 34. Continuances and Motions for Continuance: (a) The Board, in its sole discretion, and upon its own motion, may continue any Administrative Hearing upon notice to the applicant. The notice to the applicant will set forth the new date upon which the Administrative Hearing upon the applicant's application will commence.

(b) All motions by the applicant for continuance of any Administrative Hearing shall be served on the Board and the Board's counsel as soon as the reasons for the continuance are known to the applicant. Such motions must state the reasons for which the continuance is sought. Such motions will be granted only for good

cause shown. Additionally, any such motions filed less than seven (7) days prior to the date sought to be continued will be granted only if extraordinary circumstances are demonstrated.

Rule 35. Expedited Proceedings: For good cause shown, the Board may, *sua sponte*, or upon written request of the applicant or his or her representative, order the proceedings to be expedited.

Rule 36. Witness List: No less than ten (10) days before the scheduled date of the scheduled hearing, the Board's staff and the applicant must serve on each other and file with the Board a list of the persons then known to the Board and the applicant, respectively, whom the party believes it may offer as witnesses at the Hearing. The list must include each person's full name, address, telephone number and brief description of the substance about which each person may testify.

Rule 37. Expert Witness: If the Board or applicant plans to call an expert witness to testify, the Board or applicant must provide the following information as part of the Witness List required above: (a) the expert's name and address; (b) the subject matter about which he or she will testify; (c) his or her conclusions and opinions; (d) the bases for the conclusions and opinions; and (e) his or her qualifications.

Rule 38. List of Documents: The Board and the applicant shall serve upon the other copies of all documents that it or he or she intends to introduce at the Hearing at least ten (10) days before the scheduled date of the Hearing. Failure to timely comply with this rule in the discretion of the Board may result in a continuance of the Hearing on the applicant's application or the exclusion of documents upon said Hearing.

Rule 39. Other Discovery: No other discovery shall be permitted or required except upon agreement by the Board and the applicant, or upon the Board granting a motion based on good cause shown. All such discovery requests shall be returnable no less than ten (10) days preceding the scheduled Hearing.

Rule 40. Duty to Supplement: An applicant and the Board are under a duty to supplement its discovery responses, witness list and document list including copies of documents if the applicant or the Board has not otherwise made such evidence available to the other during discovery.

Rule 41. Protective Orders: At any time, the Board may, either *sua sponte* or upon the motion of the applicant or a witness, issue such protective orders as it may deem necessary or proper. Such protective orders may deny, limit, condition or regulate discovery as the Board deems appropriate.

Rules 42 through 46 Incl. Reserved

IV. Hearing Procedures

Rule 47. Powers and Duties of the Board: The Board shall have full authority to control the procedure of all Hearings, including but not limited to: (i) to arrange for medical examinations and evaluations; (ii) to employ any such agents or professionals as they shall deem necessary or proper in carrying out their duties; (iii) to remove to executive session; (iv) to exclude witnesses; (v) to protect the privacy of applicants; (vi) to rule upon all motions and objections; (vii) to admit or exclude testimony or other evidence; and (viii) to make any other necessary decisions and orders. At all times from the date of the filing of applicant's application, throughout the hearing process and thereafter, the Board will be represented by counsel.

Rule 48. Rights of the Board and Applicant at Hearing: The Board and an applicant may be represented by one or more attorneys and may call, examine and cross-examine witnesses. The Board and the applicant may offer documents or other evidence for inclusion in the record of proceedings. The Board and the applicant may object to testimony or exhibits offered by the other. The admissibility of all matters presented shall be subject to the ruling of the Board. The Board shall not be bound by the strict rules of evidence applicable in courts of law or equity.

Rule 49. Failure of Applicant to Appear: If the applicant fails to attend the Administrative Hearing and the failure to attend is not excused for good cause, the Board may determine what sanction is just and proper, including, but not limited to, entering an order dismissing the application for failure to cooperate (without any notice other than the order setting the Hearing).

Rule 50. Burden of Proof and Presentation of Case: The applicant has the burden of proving by a preponderance of the evidence his or her right to the disability benefit for which he or she has applied to the Board. The applicant shall be allowed to make an Opening Statement, after which the Board's counsel shall be allowed to make the same. Next, the applicant shall present his or her case, and then the Board's counsel shall follow. The Board may, upon request, allow the applicant to present a rebuttal case. The Board may allow the applicant and the Board's counsel to make Closing Statements. The applicant may be allowed to present a rebuttal closing statement upon leave of the Board. The Board's counsel may be allowed to present a sur-rebuttal closing statement upon leave of the Board.

Rule 51. Motions and Objections: Motions made during an Administrative Hearing and objections with respect to the conduct of the Hearing, including objections to the introduction of evidence, shall be stated orally and shall be included in the transcript of the Administrative Hearing.

Any objection or argument not duly presented to the Board shall be deemed waived unless the failure or neglect to make such objection or argument is excused for cause by the Board.

Rule 52. Continuation of Hearing: At the discretion of the Board, Hearings may be continued from day-to-day, or adjourned to a later date by announcement thereof at the Hearing or by appropriate notice.

Rule 53. Official Record: For purposes of review pursuant to the Administrative Review Act, 735 ILCS 5/3-101, et seq., the official record of every Administrative Hearing shall consist of the Application, any Amended Application; notice of Hearing; and all subsequent notices, motions, correspondence between the Board and the applicant prior to the Board's final administrative decision, briefs, memoranda; objections and orders issued by the Board, the Hearing transcripts, including all exhibits thereto and the Board's Final administrative decision. The official record (except such evidence as is placed under seal by the Board) shall be available for public inspection upon making appropriate arrangements with the Board at any time after the administrative decision has been issued by the Board upon the Administrative Hearing.

Rule 54. Sealing Record: (a) In order to avoid unreasonable annoyance, embarrassment or oppression, the Board may, *sua sponte*, or upon the motion of an applicant or a witness, seal all or part of the official record to prevent disclosure of:

(1) information specifically prohibited from disclosure by Federal or State law or rules and regulations adopted pursuant thereto;

(2) information and communications protected by privilege from disclosure in civil cases in the courts of the State of Illinois;

(3) information which, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless such disclosure is consented to in writing by the individual subjects of such information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.

(b) information exempted under this subsection shall include but is not limited to:

1. files and personal information maintained with respect to clients, patients, residents, students or other individuals receiving a social, medical, educational, vocational, financial, supervisory or custodial care or services directly or indirectly from federal agencies or public bodies;

2. personnel files and personal information maintained with respect to any applicant, registrant

or licensee by any public body cooperating with or engaged in professional or occupational registration, licensure or discipline;

3. files and personal information maintained with respect to any applicant, registrant or licensee by any public body cooperating with or engaged in professional or occupational registration, licensure or discipline;

4. information required of any taxpayer in connection with the assessment or collection of any tax unless disclosure is otherwise required by State statute.

5. information revealing the identity of persons who file applications with or provide information to administrative, investigative, law enforcement or penal agencies; and

6. any other information as set forth in 5 ILCS 140/7 or Federal FOIA Act.

Rule 55. Transcripts of Administrative Hearings: (a) Transcribing Testimony: All testimony at an Administrative Hearing shall be under oath and shall be recorded or transcribed by a court reporter who will be provided by the Board. The Board shall order the original transcript. Copies are available from the court reporter at the applicant's expense. If any party seeks preparation of a transcript on an expedited basis, such party must make arrangements directly with the court reporter and is responsible for the full cost of the transcript. Additionally, the original transcript shall be made available for examination by the public, as part of the official record, in the Board's office upon reasonable notice.

(b) Corrections of Transcripts: Any party who wishes to make corrections to a transcript taken at an Administrative Hearing must file and serve a written motion with the Board. The motion must specify: (a) the transcript page and the line number of each proposed change; (b) the language the party seeks to remove, replace or correct; (c) the new language the party seeks to add or substitute; and (d) the reason for each proposed change. The Board favors agreed motions concerning the correcting of transcripts, to the extent possible. The motion must be filed with the Board no later than fourteen (15) days from the day the Board receives the transcript(s) of the Hearing. The Board's counsel may file with the Board and serve on the applicant and with the Board a response to the motion no later than ten (10) days from the date the motion is filed. The Board may grant a party's request for an extension of time to file its motion or its response upon good cause shown. The Board may alter this schedule by order and may restrict the number of pages permitted for each filing. The Board shall rule by mail.

Rule 56. Length of Hearing: In order for the Board to manage its docket and to conduct its regular business at its monthly meetings in a timely and organized manner, the Board will publish an agenda for its meeting that will identify the hearings to be held and the time of day at which the hearings are scheduled to begin. All hearings shall be conducted in an efficient manner and shall not exceed one and a half (1½) hours in length, absent good cause shown in the sole discretion of the Board.

Rule 57. Section 6-140 Compensation Widow's Annuity Hearings. (a) Notwithstanding any procedural rule herein to the contrary, the Board may delegate to the Executive Director or such other Board employee as the Board shall determine, who shall act for and on behalf of the Board, the authority to schedule and conduct hearings for the purpose of receiving evidence from widows who have filed applications seeking to receive compensation widow's annuity benefits pursuant to Section 6-140 of the Illinois Pension Code. Such hearings shall be conducted in accordance with the Board's procedural rules and shall be transcribed by a Board appointed reporter. Board counsel and a Board appointed physician shall be present at the hearings and shall make such inquiries of the witnesses presented as required by law. Upon completion of a hearing, a full record of said hearing, including all documentary and medical evidence submitted and a transcript of the proceedings, shall be submitted to each member of the Board for review and consideration. The Board members who have reviewed the record shall vote on each such application at the next regularly scheduled Board meeting following conclusion of the hearing.

(b) The burden of proof shall rest with the widow to establish with medical evidence and testimony that her husband's injury, but for his death, would have permanently prevented him from resuming active duty with the Chicago Fire Department.

Rules 58 through 60 Incl. Reserved

IV. Application of Procedural Rules

Rule 61. Application of Procedural Rules: (a) Upon earlier request or at the time the applicant files his or her application for disability benefits, the Board's staff will serve a copy of these Procedural Rules upon applicant and/or his or her counsel. The applicant shall execute a receipt therefore on a form prepared by the Board.

(b) All time limitations contained in these Procedural Rules shall be subject to exception in case of extreme hardship, unusual circumstances or other justification. Any deviation therefrom shall be within the discretion of the Board.

Rules 62 through 66 Incl. Reserved

V. **Final Administrative Decision**

Rule 67. Board of Trustees Decision: Final administrative decisions of the Board shall be in writing and shall be issued to the applicant within sixty (60) days from the last Hearing date of the Administrative Hearing. The Board's decision shall be sent in the U.S. Mail, certified or registered, return receipt requested, to the applicant's last known address on file at the office of the Board.

Rule 68. An appeal from an administrative decision of the Board shall be as provided for by the Administrative Review Act, 735 ILCS 5/3-101, et seq.