



**The Retirement Board of the  
Policemen's Annuity and Benefit Fund of Chicago**  
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## **Application and Hearing** **Rules and Procedures**

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## **1. AUTHORITY**

These Application and Hearing Rules and Procedures (“Rules and Procedures”) apply to all applications submitted to and hearings held before the Retirement Board (the “Board”) of the Policemen’s Annuity and Benefit Fund of Chicago (the “Fund”). The Illinois Pension Code, 40 ILCS 5/5-101 *et seq.*, (the “Pension Code”), promulgates the creation of these Rules and Procedures pursuant to Section 5/5-195. Nothing in these Rules and Procedures creates any contractual right, either express or implied.

## **2. SCOPE OF RULES**

- 2.1** The Rules and Procedures herein provided for shall apply to all applications submitted to and hearings held before the Board, including but not limited to:
- (a) Applications for an award or review of disability benefits (40 ILCS 5/5-154; 5/5-154.1; 5/5-155);
  - (b) Applications for retirement benefits (40 ILCS 5/5-129.1; 5/5-130; 5/5-132; 5/5-132.2; 5/5-238);
  - (c) Applications for widow benefits (40 ILCS 5/5-136; 5/5-136.1; 5/5-137; 5/5-138; 5/5-139; 5/5-140; 5/5-144; 5/5-238);
  - (d) Applications for children benefits (40 ILCS 5/5-151; 5/5-152);
  - (e) Applications for parent benefits (40 ILCS 5/5-152.1);
  - (f) Applications for ordinary death benefits (40 ILCS 5/5-153);
  - (g) Applications for a refund of contributions (40 ILCS 5/5-163);
  - (h) Applications for the purchase of police pension service credit (40 ILCS 5/5-212; 5/5-214; 5/5-214.2; 5/5-214.3);
  - (i) Felony divestiture proceedings (40 ILCS 5/5-227); and
  - (j) Any other matter the Board determines an application and/or hearing may be warranted.
- 2.2** Failure to adhere to or comply with these Rules and Procedures may result, after notice and an opportunity to be heard, in:
- (a) Dismissal of a pending application for benefits;
  - (b) Termination or suspension of any previous benefit award;

- (c) Limitation on the evidence to be presented and considered by the Board; or
- (d) Delay/postponement of a hearing before the Board.

2.3 Any conflict between these Rules and Procedures and the statutory provisions of the Pension Code shall be resolved in favor of the Pension Code. Please be advised, cited sections of the Pension Code within these Rules and Procedures should be used as a guide, as other sections of the Pension Code may also have an impact on the material appearing herein.

2.4 These Rules and Procedures shall be effective as of the date adopted by the Board and shall, subject to amendments later published by the Board or unless otherwise noted herein, supersede any and all previous rules and procedures published by the Board.

### 3. CONSTRUCTION

3.1 These Rules and Procedures shall be liberally construed in order to further the authority granted to the Board and the purposes of the Pension Code.

3.2 Specifically, but without limiting the generality of the foregoing, and subject to Section 2(c) herein, these Rules and Procedures shall be construed so as to provide to all applicants a full opportunity to be heard before a fair and impartial tribunal having before it any and all evidence relevant to the issues involved, whether the matter was initiated by the applicant or by the Board.

3.3 In the event any provision or term of these Rules and Procedures or subsequent amendments thereto shall be determined by a court of competent jurisdiction to be invalid, such determination shall not affect the remaining provisions which shall continue in full force and effect.

### 4. APPLICATIONS / MATTERS FOR BOARD CONSIDERATION

4.1 All applications for the Board's consideration, or if necessary, an evidentiary hearing, must be filed within the time period provided for in the Pension Code, if any, pertaining to exhaustion of remedies and benefits before the Chicago Police Department ("CPD"), removal from the payroll of the CPD, and the prescribed waiting periods following removal from the payroll of the CPD.

4.2 **DISABILITY BENEFITS (40 ILCS 5/5-154; 5/5-154.1; 5/5-155)**: As a condition precedent to consideration by the Board, any application for, or related to, disability benefits shall be accompanied by:

- (a) A written sworn application in a form acceptable to the Board.

- (b) A written sworn affidavit in a form acceptable to the Board so as to provide specific data as to the time, place, and events supporting or related to the application for benefits to substantially advise the Board as to the nature of the relief or benefit sought, and all claims that are known, or should have been known at the time of the hearing must be identified. Please be advised that this document may be subject to FOIA request(s) and any included medical information included on the affidavit will be disclosed.
- (c) Authorization(s) for release, in a form acceptable to the Board, of all relevant medical, psychological, psychiatric, and related records from all health care providers providing treatment, diagnoses, or evaluation of the applicant for any condition related to his/her request for disability benefits.

**NOTES:**

- i. If an officer is unable to complete the application, affidavit, and/or release due to his or her disability, then the application may be completed by an authorized agent.

**4.3 PERIODIC REVIEW OF DISABILITY BENEFITS (40 ILCS 5/5-156):** The Board may, *sua sponte*, initiate a status review hearing for the purpose of determining whether an officer in receipt of a disability benefit is entitled to a continuation of the disability benefit pursuant to the Pension Code.

- (a) A police officer in receipt of a disability benefit is statutorily required to be examined at least once a year by one or more physicians appointed by the Board. The Board may also require other evidence of disability as it deems necessary.
- (b) In the event that a police officer is believed to have recovered from the disability for which benefits were granted, the Board will set the matter for a status hearing in accordance with Section 6 of these Rules.
- (c) In the event that a police officer believes that he or she is disabled for any cause other than the disability for which benefits were granted, the police officer must file a new disability application as required under Section 5 of these Rules.

**4.4 RETIREMENT BENEFITS (40 ILCS 5/5-129.1; 5/5-130; 5/5-132; 5/5-132.2; 5/5-238):** As a condition precedent to consideration by the Board, an officer's application for retirement benefits shall include:

- (a) A written sworn application in a form acceptable to the Board.

- (b) A copy of applicant's valid form of government-issued photo identification.
- (c) An Approved Personal Action Report (PAR) (aka "Retirement Submission Receipt") from the CPD.
- (d) If unmarried on date of retirement, but previously married, an officer must submit proof of marriage termination: a certified copy of the final Judgement of Dissolution of Marriage and/or a copy of the certified death certificate for all prior spouses.

**NOTE:** If an officer is married on the date of retirement, the following is required to be submitted to the Board mainly as a means to assist in the effective and efficient processing of a future widow benefit, if applicable:

- i. A copy of the certified marriage certificate.
- ii. A copy of the spouse's certified birth certificate.
- iii. Proof that all prior marriage(s), had by officer and current spouse, have been terminated. If applicable, a certified copy of the final Judgement of Dissolution of Marriage and/or a copy of the certified death certificate.

**4.5 WIDOW BENEFITS (40 ILCS 5/5-136; 5/5-136.1; 5/5-137; 5/5-138; 5/5-139; 5/5-140; 5/5-144; 5/5-238):** As a condition precedent to consideration by the Board, any application for widow benefits shall include:

- (a) A written sworn application in a form acceptable to the Board.
- (b) A copy of applicant's valid form of government-issued photo identification.
- (c) A certified copy of the deceased officer's death certificate.
- (d) If not previously provided to the Board:
  - i. A copy of the certified marriage certificate between applicant-widow and deceased officer.
  - ii. A copy of the applicant's certified birth certificate.
  - iii. If applicable, a copy of the certified final Judgement of Dissolution of Marriage for all prior marriages applicant-widow was a party to.
- (e) If applicant is seeking a compensation / supplemental widow benefit pursuant to Section 5/5-144 of the Pension Code, a written sworn affidavit in a form acceptable to the Board so as to provide specific data as to the

time, place, and events supporting or related to the application for benefits to substantially advise the Board as to the nature of the relief or benefit sought

**4.6 CHILD BENEFITS (40 ILCS 5/5-151; 5/5-152):** As a condition precedent to consideration by the Board, any application for child benefits shall include:

- (a) A written sworn application in a form acceptable to the Board.
- (b) Copy of valid form of government-issued photo identification for the parent or court appointed guardian filing the application on behalf of the child.
- (c) Copy of the deceased officer's certified death certificate.
- (d) Either: (i) a copy of the certified birth certificate for child for whom a child benefit is sought showing the deceased officer is the natural parent of the child; or (ii) a copy of the certified adoption order and all related documentation evidencing the deceased officer legally adopted the child for whom a child benefit is sought.
- (e) If applicable, handicapped/disabled child supplement-
- (f) If the applicant filing the application on behalf of the child is not the child's parent, a copy of the certified court order appointing the applicant as the child's legal guardian.

**4.7 PARENT BENEFITS (40 ILCS 5/5-152.1):** As a condition precedent to consideration by the Board, any application for parent benefits shall include:

- (a) A written sworn application in a form acceptable to the Board.
- (b) A copy of applicants' valid form of government-issued photo identification.
- (c) Either: (i) copy of the deceased officer's certified birth certificate showing the applicant(s)-parent(s) as the natural parent(s) of the deceased officer; or (ii) copy of the certified adoption order and all related documentation evidencing the applicant(s)-parent(s) legally adopted the deceased officer.
- (d) A copy of the deceased officer's certified death certificate.
- (e) Documents establishing the deceased officer was contributing to the support of the applicant(s)-parent(s) at the time of the officer's death.

**4.8 DEATH BENEFITS (40 ILCS 5/5-153):** As a condition precedent to consideration by the Board, any application for or related to ordinary death benefits shall include:

- (a) A written sworn application in a form acceptable to the Board;
- (b) A copy of applicant's valid form of government-issued photo identification;
- (c) A copy of the deceased officer's certified death certificate;
- (d) Documents evidencing the name change of applicant(s)-beneficiary(ies), if the name of one or more of the applicant(s)-beneficiary(ies) has changed since provided for by the officer on the death benefit directive form on-file with the Fund.

**4.9 REFUNDS (40 ILCS 5/5-163):** As a condition precedent to consideration by the Board, any application for a refund of contributions shall include:

- (a) A written sworn application in a form acceptable to the Board.
- (b) Copy of applicant's valid form of government-issued identification.
- (c) Approved Personal Action Report (PAR) (aka "Resignation Submission Receipt") or Verification of Employment or discharge letter from the CPD.

NOTE: If request for refund made by the applicant-heir/estate of deceased officer:

- i. A copy of the deceased officer's certified death certificate.
- ii. If applicant is not current spouse and/or children, a Last Will and Testament or a copy of certified letters of office or a small estate affidavit.
- iii. A copy of the applicant(s) valid form of government issued identification.

**4.10 POLICE PENSION SERVICE CREDIT (40 ILCS 5/5-212; 5/5-214; 5/5-214.2; 5/5-214.3):** As a condition precedent to consideration by the Board, any application for police pension service credit shall include:

- (a) A written sworn application in a form acceptable to the Board;
- (b) A copy of applicant's valid form of government-issued photo identification.
- (c) Pertinent supporting documentation:
  - i. Requests pursuant to 40 ILCS 5/5-212, Computation of service, require:



1. Documentation from the City of Chicago/CPD Human Resources Department:
  - Complete work history (request from: [CHIPPSHR@cityofchicago.org](mailto:CHIPPSHR@cityofchicago.org))
  - Email verification confirming the information provided in this Application (request from: [policepayroll@chicagopolice.org](mailto:policepayroll@chicagopolice.org))
- ii. Requests pursuant to 40 ILCS 5/5-214.3, Credit for military service, require:
  1. Certificate of Release or Discharge from Active Duty (DD Form 214(s)) [for active-duty time] or Statement of Retirement Points [for reservist time] which verifies your proof of military service applied for herein
- iii. Requests pursuant to 40 ILCS 5/5-214, Credit for other service, and 40 ILCS 5/5-214.2, Credit for certain law enforcement service, require:
  1. All documentation you believe supports your application.
  2. Verification of employment from previous/other employer, including job position/title.
  3. Job description applicable during your prior employment dates, if available, that describes the specific job duties and responsibilities of the prior job title/position.
  4. Verification from previous/other pension fund of pension withdrawal or of non-participation.
    - **NOTE:** Cook County Correctional Officers and Cook County Deputy Sheriffs do NOT need to provide this verification.

**4.11 FELONY DIVESTITURE (40 ILCS 5/5-227):** In the event the Board learns an officer has been convicted of a felony that may have an impact on the officer's entitlement to any benefits provided for in the Pension Code, the Board may, initiate a felony divestiture hearing to determine the officer's right to and/or continuation of such benefit(s). In each instance, the officer shall, within a reasonable time period provided, supply the Board all documentation pertaining to the applicable criminal charge(s), including but not limited to: charging documents; indictments; plea agreements; sentencing orders; judgments; full court transcripts; and additional documentation as requested by the Board.

**4.12** As a condition precedent to any consideration by the Board, any request for benefits other than which is specifically provided for herein shall be accompanied by a written sworn application in a form acceptable to the Board, if any, or any writing, sworn to by the person requesting relief, in any form reasonably calculated to advise

the Board of the nature of the request and the facts and circumstances supporting the request.

## 5. PRE-HEARING PROCEDURES – DISABILITY APPLICATIONS

- 5.1 To implement Board procedures, and to facilitate the prompt hearing of the disability benefit application, these steps should be taken by or on behalf of the applicant-officer.
- (a) An officer who does not anticipate returning to duty upon exhaustion of his/her CPD medical leave should promptly file an application seeking disability benefits with the Board prior to exhausting CPD medical leave. To facilitate a prompt hearing, it is recommended that sixty (60) days prior to the exhausting of the officer's medical leave:
    - (1) The officer should complete leave of absence paperwork with CPD human resources and request the CPD medical section forward their medical file to the Board; and
    - (2) The officer should contact the Board and confirm their intent to make an application for disability benefits.
    - (3) Once the complete medical file and leave of absence paperwork is received by the Fund, an application for disability benefits will be mailed to the applicant, which should be completed and returned to the Fund in a timely manner.
  - (b) Concurrent with the application filed, the officer must sign a HIPAA, Mental Health and Developmental Disabilities Act form, and/or any other Authorization that may be required by a medical provider authorizing the Board to obtain any additional necessary medical records from CPD and/or the officer's medical provider(s).
  - (c) The officer, at the same time, will be fully advised that an independent medical examination, or examinations, by the Board's appointed physician(s) will be made (40 ILCS 5/5-156) and the officer is required to present themselves for such examination, or, if necessary, reschedule the examination *no less* than seven (7) days prior to the appointment date.
  - (d) In the event the Board's physician or the Board requests that an applicant submit to by a physician engaged in a specialty deemed appropriate by the Board, the applicant shall select such additional physician from a list of physicians prepared by the Board and shall cooperate with the selected physician in submitting to the examination, including, but not limited to a

functional capacity evaluation and such other collateral or related non-evasive tests as may be required by the additional physician. (40 ILCS 5/5-156).

- (e) If the appointment provided for in (c) or (d) is not kept or rescheduled and the Board is required to pay for any cancelled medical appointments, any cost incurred by the Board must be reimbursed by the officer. The Board may, at its option, deduct from any of the officer's future payments any costs incurred resulting from the officer's failure either to keep the appointment made or timely cancel it.
- (f) An applicant's failure to timely and fully submit to a physical examination shall, after notice and an opportunity to be heard, be grounds for summary denial of the pending application, with prejudice to the right to subsequently submit an application for the same or related disability benefit.
- (g) A final report(s), as provided by the doctor administering the independent medical examination, will be made available to the applicant, or their attorney, no later than the time for its inclusion in the Board's hearing submission as more fully defined in Section 6.4 below.

**5.2** The Board will submit a full and complete copy of the CPD medical records to the officer, or their attorney, at the time the application is made.

**5.3** In its discretion, the Board may grant the applicant an ordinary disability without prejudice to applicant's claim for other benefits. Such an award is temporary pending a full evidentiary hearing on the disability application. This interim award is subject to periodic review and may be terminated prior to the full evidentiary hearing if the applicant fails to timely pursue their claim for benefits.

## **6. HEARING SCHEDULING AND EVIDENCE SUBMISSION**

**6.1** At any time after the filing of an application, the applicant or their attorney shall notify the Board in writing of its intent to proceed to an evidentiary hearing. Notice of intent must be given by the 15<sup>th</sup> day of the month preceding the month the applicant would like to proceed to hearing. Even if notice of intent is timely given, the Board cannot guarantee the hearing will be scheduled for the desired month.

**6.2** From the list of those applications or status review per Section 4.3, *supra*, identified as ready to proceed to hearing, the Board will schedule those it intends to proceed with and a written Notice of Hearing will be issued pursuant to Section 9 herein.

**6.3** No later than 21 days prior to the scheduled hearing date, the applicant or their attorney shall provide the Board all documents the applicant intends to enter into evidence at the hearing and a list of any witnesses the applicant anticipates calling to provide testimony at the hearing. The applicant's submission shall be suitably annotated with exhibit and page numbers. Submitted documents shall be in

chronological order, and shall not contain underlining, highlighting, or other such embellishments.

- 6.4 No later than 14 days prior to the scheduled hearing date, the Board shall provide the applicant or their attorney all final documentation the Board intends to enter into evidence at the hearing a list of any witnesses the Board anticipates calling to provide testimony at the hearing.
- 6.5 Any supplemental documentation to the applicant's initial submission shall be provided to the Board no later than 7 days prior to the scheduled hearing. Supplemental documentation which opines on any independent medical opinion provided to the Board may result in continuance of the hearing for the Board to obtain supplemental and/or additional IME opinions.
- 6.6 In the event an applicant, or their attorney, submits a supplemental submission to the Board from a treating physician(s) that contradict the Board's IME physicians' opinions, the Board reserves the right to continue the hearing to obtain supplemental IME report opinions.
- 6.7 Failure to comply with all the deadlines as specified herein shall constitute good cause for the compliant party to seek a continuance.

## 7. **SUBPOENAS**

- 7.1 Pursuant to Section 5/5-193 of the Pension Code, the Board has the power to subpoena witnesses as may be necessary.
- 7.2 At the request of any party to a proceeding before the Board, the Board may execute and issue a subpoena to a third-party. However, the party requesting the subpoena is solely responsible for:
  - (a) Preparing the subpoena in a form acceptable to the Board;
  - (b) Service of the subpoena;
  - (c) Payment of any mileage or witness fees as provided in the Illinois Code of Civil Procedure.
- 7.3 Upon the failure of a person to comply with a subpoena issued and duly served, the party requesting the subpoena may, at its discretion and without prior notice, seek judicial relief enforcing the subpoena.

## 8. **CONTINUANCE OR POSTPONEMENT OF HEARING**

A hearing may be continued for good cause shown as determined by the Board. All parties involved in a hearing shall attempt to avoid undue delay caused by repetitive postponement or

continuances, so that the matter may be resolved in an expeditious manner. Repeated requests for continuances are disfavored.

**9. NOTICE OF HEARING AND SERVICE OF NOTICE**

- 9.1** All administrative hearings conducted by the Board shall be initiated by the Board issuing a written Notice of Hearing, which shall be served upon all parties of record and any attorney who has filed an appearance.
- 9.2** The Notice of Hearing shall inform the party of the purpose for the hearing and state the date, time, and place of the hearing.
- 9.3** A Notice of Hearing shall be deemed to have been served either when a copy is personally delivered or when a copy of the decision is deposited in the United States mail, in a sealed envelope or package, with postage prepaid, addressed to the party affected by the decision at his or her last known residence or place of business.
- 9.4** A party waives any claim of faulty or untimely Notice of Hearing by participating in the Hearing.

**10. AUTHORITY OF THE HEARING OFFICER**

- 10.1** Upon the filing of an application, a Board attorney shall act as the “Hearing Officer” and shall have the authority to take any steps necessary to commence the adjudication of applications before the Board.
- 10.2** The Board attorney shall continue to serve as Hearing Officer until such time as the Board meets. The Board president, any Board trustee, or a Board attorney, selected by a majority vote of a quorum of the Board, may then be appointed the Hearing Officer at the next regular or special Board meeting.
- 10.3** Absent the Board selecting a Hearing Officer, the Board president shall act as the Hearing Officer.
- 10.4** The Hearing Officer shall have all powers necessary to conduct the hearing. The Hearing Officer may exercise any of the powers necessary to conduct the Hearing. The Hearing Officer’s authority shall include, but not be limited to, the following powers:
  - (a) Regulate the course of hearings, continue hearings, set the time and place for continued hearings, rule on objections, fix time for filing of documents, provide for the taking of testimony by deposition if necessary, and generally conduct the proceeding according to generally recognized administrative law and these Rules and Procedures;

- (b) Examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious, irrelevant, prejudicial, or cumulative testimony, and set reasonable limits on the amount of time each witness may testify;
- (c) Rule upon offers of proof and receive relevant evidence;
- (d) Limit the participation of an intervenor;
- (e) Direct parties to appear and confer for the simplification of issues, and to otherwise conduct prehearing conferences;
- (f) Dispose of procedural requests or similar matters;
- (g) Set briefing schedules;
- (h) Grant or deny requests for continuance; and
- (i) Enter any order that further carries out the purpose of these Rules and Procedures.

**10.5** Any ruling or decision made by the Hearing Officer may be overruled by majority vote of a quorum of the Board.

**10.6** **DISCLAIMER:** The Board attorney, as appointed Hearing Officer, shall not: (i) assume a prosecutorial role; (ii) attempt to unduly influence the Board's decision; and (iii) vote on a matter before the Board.

## **11. CONDUCT OF HEARING**

**11.1** As a preliminary matter, in applications or instances where the facts of a particular case are undisputed and the only issue(s) that remain pertain to the applicable law, the Board may elect to render a final decision on the application or matter without conducting an evidentiary hearing.

**11.2** All hearings shall be open to the public, unless otherwise permitted.

**11.3** All hearings shall be conducted in a fair, impartial, and orderly manner.

**11.4** Unless otherwise limited, generally, a party is afforded the opportunity to present evidence, testimony, and arguments relative to the merits of the case, subject to the discretion of the Hearing Officer.

**11.5** The technical and formal rules of evidence and the rules of civil procedure do not apply at the hearing, however, rules of fundamental fairness will apply.

- 11.6** The Hearing Officer will rule on all evidentiary matters or legal determinations, subject to the limitation of Section 10.5 herein.
- 11.7** The following shall be the order of proceedings on all hearings, subject to modification by the Hearing Officer, for good cause shown:
- (a) Presentation and disposition of all motions or matters preliminary to the hearing;
  - (b) The applicant or his counsel may make an opening statement;
  - (c) The applicant or his counsel may then present any evidence or witnesses to support the claim;
  - (d) The Board or the Hearing Officer may then ask questions or cross-examine witnesses;
  - (e) The Board may then introduce any documentation regarding the matter or call any witnesses (unless already admitted by agreement);
  - (f) The applicant or his counsel may then ask questions or make objections;
  - (g) The applicant or his counsel may then make a closing statement, or in the alternative and as deemed appropriate by the Board or Hearing Officer, submit a post-hearing brief;
  - (h) Evidence may then be closed;
  - (i) The Board may then take motions, deliberate in closed session, take the matter under advisement, or request additional evidence; and
  - (j) After deciding the matter by majority vote of a quorum of the Board in open-session, a written final administrative decision and order will be voted on and approved during a properly noticed public meeting.

**12. TESTIMONY OF EXPERTS AND WITNESSES**

- 12.1** At the discretion of the Board or Hearing Officer, the parties may be permitted to present relevant live testimony of experts and other witnesses via in-person, telephonic, and/or electronic means at the time of the scheduled hearing.
- 12.2** The Board, in its sole discretion, will determine the weight and relevancy, if any, to be afforded any documentation offered by or on behalf of applicant not supported by oral testimony by the authors thereof or persons competent to testify as to those documents. Such determination may result in a decision adverse to the applicant.

### **13. RECORD OF PROCEEDINGS**

Unless determined otherwise, the Board shall ensure a verbatim record of the hearing is made by a court reporter. The Board shall also ensure all evidence presented at the hearing is marked to indicate the party offering the evidence and is made part of the administrative record. Parties may obtain a copy of the verbatim record of the hearing at their own expense directly from the applicable court reporter.

### **14. INTERVENTION**

- 14.1** An interested party with standing (as determined by the Board), may petition to intervene into a hearing (“Petitioner”).
- (a) The Petitioner bears the burden to prove entitlement to intervene.
  - (b) The decision whether to grant or deny a petition to intervene will be made within the sound discretion of the Board.
  - (c) A petition to intervene shall be submitted in writing no later than fourteen calendar days prior to the first hearing date.
  - (d) A petition to intervene not timely submitted in writing may be denied, absent good cause shown.
  - (e) Any decision regarding a petition to intervene will be an interim, non-final, decision by the Board.

### **15. WRITTEN DECISION**

- 15.1** All final administrative decisions of the Board shall be in writing in the form of a decision and order and served on all parties. The decision orally announced by the Board may be subject to revision until such time as the formal written order is published and served.
- (a) No written decision and order is final until it is served, after being approved by a majority vote of a quorum of the Board at a properly noticed public meeting.
  - (b) All final administrative decisions of the Board shall be accompanied by a certificate of service indicating on whom the order was served, the date, and the manner of service.
  - (c) Service may be made by either personal delivery, certified mail, or as otherwise agreed to by the parties.
  - (d) Decisions and orders shall be deemed to have been served either when a



copy of the decision is personally delivered or when a copy of the decision is deposited in the United States mail, in a sealed envelope or package, with postage prepaid, addressed to the party affected by the decision at his or her last known residence or place of business.

**16. FILING OF DOCUMENTS**

- 16.1** All documents, applications, briefs, or motions required or permitted to be filed with the Board under these Rules and Procedures or the Pension Code, may be either mailed or electronically delivered to the Board and/or its attorney.
- 16.2** Unless ordered otherwise by the Board, the date of filing shall be the date the document is received by the Board or the date of mailing, whichever is earlier. Any documents filed with the Board must indicate the date of filing of the documents.
- 16.3** All documents filed pursuant to any hearing under these Rules and Procedures shall clearly show the Board hearing number (if any) and the caption of the proceedings.
- 16.4** All documents shall be signed by the party or their attorney.

**17. COMPUTATION OF TIME**

- 17.1** Computation of any period of time prescribed herein shall begin with the first business day following the day on which the act, event, or development initiating such period of time occurs, and shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday, or legal holiday. Where the period of time is five (5) days or less, Saturdays, Sundays, and legal holidays shall be excluded in the computation of time.
- 17.2** Notice requirements shall be construed to mean notice received, but proof notice was dispatched by means reasonably calculated to be received by the prescribed date shall be *prima facie* proof notice was timely received, unless otherwise specified by law.

**18. LOSS OR REVOCATION OF PENSION RIGHTS OR BENEFITS**

**18.1** If the Board determines that any participant or beneficiary may have his or her pension benefits forfeited, suspended, reduced, rescinded, revoked, or terminated, the participant or beneficiary shall be entitled to a hearing before the Board.

**18.2** The hearing procedure to be followed in such cases are those procedures set out in these Rules and Procedures.

**19. JUDICIAL REVIEW**

**19.1** Pursuant to the Pension Code, 40 ILCS 5/5-228, and the applicable provisions of the Administrative Review Act, 735 ILCS 5-3 101 *et seq.*, the final written decision of the Board may be subject to administrative review if, in addition to other statutory requirements, said review is commenced within 35 days after service of the Board's written decision.

**19.2** No provisions exist for a petition for rehearing before the Board, and accordingly no such petitions or motions shall be received by the Board.