

CHAPTER 7

ADMINISTRATIVE PROCEDURE TO DETERMINE ELIGIBILITY FOR BENEFITS UNDER THE PUBLIC SAFETY EMPLOYEE BENEFITS ACT

SECTION:

2-7-1: Purpose

2-7-2: Administrative Composition

2-7-3: Procedure

2-7-1: PURPOSE: The purpose of this Chapter is to provide a fair and efficient method of determining the eligibility of applicants for the benefits enumerated under the Public Safety Employee Benefits Act (820 ILCS 320/1 *et seq.*) ("PSEBA"). All benefits provided applicants pursuant to PSEBA will be consistent with PSEBA.

2-7-2: ADMINISTRATIVE COMPOSITION

A. Appointment of a PSEBA Claims Administrator: The Finance Director is hereby appointed as PSEBA Claims Administrator, who shall be responsible for scheduling and making all necessary arrangements for the holding of hearings under this Administrative Procedure. The duties of the PSEBA Claims Administrator include, but are not limited to:

1. Receiving and filing applications for PSEBA benefits;
2. Receiving and filing all documents required by this Chapter to accompany such claims;
3. Reviewing applications for completeness and returning incomplete applications to the applicant;
4. Upon receipt of a complete application, scheduling hearings in accordance with the availability of the applicant, his or her counsel, counsel for the Village, and the Hearing Officer; and posting and serving a Notice of Hearing in accordance with the Illinois Open Meetings Act, 5 ILCS 120/1;
5. At the direction of the Hearing Officer, posting and serving additional notices of hearing in the event that any hearing date should be continued to a later date;
6. Arranging for a court reporter to prepare a transcription of the hearing;
7. Receiving, filing and serving the parties with the determination of the Hearing Officer and any order, ruling, or intermediate or supplemental determination of the Hearing Officer;

8. Responding to requests for information or subpoenas relating to an application for PSEBA benefits or a hearing thereon; and
 9. Preparation of the record of any application and hearing thereon for purposes of judicial review.
- B. Appointment of a Hearing Officer: The Mayor, with the consent of the Village Board, is hereby authorized to appoint a person to hold the position of Hearing Officer for the purpose of holding hearings and making determinations concerning the eligibility for persons claiming benefits under PSEBA. In making such selection, the Mayor shall consider:
1. The candidate's ability to perform the duties set forth herein;
 2. The background and experience of the candidate;
 3. The qualifications of the candidate, including but not limited to, the requirement that the candidate must be an attorney licensed to practice law in the State of Illinois for at least three (3) years, with a knowledge of and experience in labor and employment law, general civil procedure, rules of evidence, and administrative practice.
- C. Power of the Hearing Officer: The Hearing Officer shall have all of the powers granted to him or her under applicable state statutes and the common law relative to the conduct of administrative hearings, including the power to:
1. Preside over all Village of Lincolnshire hearings involving PSEBA;
 2. Administer oaths;
 3. Hear testimony, and accept evidence that is relevant to the issue of eligibility for benefits under PSEBA upon an applicant for such benefits;
 4. Issue subpoenas and orders to secure attendance of witnesses and the production of relevant papers and documents upon the request of one or more of the parties to a hearing or their representatives;
 5. Rule upon objections concerning the admissibility of evidence;
 6. Preserve and authenticate the record of any hearing and all exhibits that are introduced into evidence at the hearing;
 7. Issue a determination based on the evidence presented at the hearing;
 8. If the determination is that the applicant is eligible for PSEBA benefits, issue a finding as to the extent of the reduction, if any, of PSEBA benefits resulting from the existence of health insurance benefits payable from any other source.

2-7-3: PROCEDURE

A. Application for PSEBA Benefits: A PSEBA benefit application form prepared by the Village shall be the standard form required for PSEBA benefit applicants to use in requesting benefits under PSEBA. The form shall be completed and executed by the requesting applicant and delivered to the PSEBA Claims Administrator. Information required by the form shall include:

1. The full particulars of the employee's claim for benefits, including the date, time, place, and nature of the injury giving rise to the claim for benefits,
2. The names of any witnesses to the injury and the circumstances under which it occurred, together with any other factual circumstances surrounding the incident(s) alleged to have occasioned the injury;
3. The names, ages, and relationship to the applicant of legal dependents for whom PSEBA benefits may be claimed; and
4. Information relating to the existence of health insurance benefits payable from any other source, which information must be current as of the date of application.

The application also must be accompanied by:

1. The written decision of the Village of Lincolnshire Police Pension Board determining or declaring the injury to have been incurred in the applicant's line of duty as a public safety employee of the Village of Lincolnshire;
2. A signed release authorizing the collection and production by voluntary agreement or subpoena, of information, including protected health information, relating to the injury and the incident giving rise to the injury; and
3. If the applicant is seeking reimbursement for health insurance premium payments or out-of-pocket payments for PSEBA-related health insurance coverage or medical expenses, copies of all payment records or receipts for payments made by the applicant.

B. Application Review: The PSEBA Claims Administrator shall review the application for completeness. If incomplete, the PSBA Claims Administrator shall return the application to the applicant for completion in accordance with the requirements of Section 2-7-2. If complete, the PSBA Claims Administrator shall forward the completed application to the Hearing Officer and, after determining the availability of the parties, shall give notice concerning the holding of a hearing on the application. No hearing on the application shall be held and no award of PSEBA benefits may be awarded until the application is complete.

C. Administrative Hearing: The conduct of the administrative hearing shall be as follows:

1. Upon receipt of a completed application, the PSEBA Claims Administrator shall arrange for the posting and serving of a Notice of Hearing in accordance with the Illinois Open Meetings Act, 5 ILCS 120/1, *et seq.*, notifying the parties and the public of the date, time, and place of a hearing to be held on the application.
2. The parties to the hearing, who may be represented by counsel, shall be the applicant and the Village of Lincolnshire. Both the applicant and the Village of Lincolnshire are necessary parties to the hearing.
3. Upon motion by a party, or on the Hearing Officer's own determination after consultation with the parties, the initial hearing date or any subsequent date for the hearing may be reset by the Hearing Officer to mutually convenient dates and times.
4. Hearings shall be held on the date and time and at the place specified in the Notice of Hearing, as originally set or reset and posted and served in accordance with law;
5. All hearings shall be attended by a certified court reporter whose presence at the hearing has been arranged by the PSEBA Claims Administrator at the direction of the Hearing Officer, and a transcript of all proceedings shall be made and preserved.
6. The applicant and the Village may examine and cross-examine witnesses, introduce exhibits, and request orders or subpoenas compelling the appearance of relevant witnesses or the production of relevant documents. A failure of a party or non-party to respond to discovery orders issued by the Hearing Officer shall not be cause for unreasonable delay but shall be evaluated by the Hearing Officer in assessing the weight of the evidence comprising the record of the hearing.
7. It shall be the applicant's obligation at the hearing to present in evidence any and all documents, including medical records, which were presented to the Village of Lincolnshire Police Pension Board that considered the applicant's claim for a duty-related pension. All other medical records, health insurance records (including records relating to health insurance or self-insurance

coverage of the applicant as a dependent), employment records, military records, accident reports, witness statements, injury reports (including any or all injury reports prepared or submitted by the applicant, whether or not in conjunction with the injury giving rise to the claim for PSEBA benefits), police reports, workers' compensation claims, reports and records, and records establishing dependency status (including marriage and birth certificates) that are relevant to the applicant's claim for PSEBA benefits shall be admissible at the hearing and shall be obtainable by any party requesting such records in pre-hearing discovery, subject to the requirements of applicable law.

8. The strict rules of evidence shall not apply to the hearing. The Hearing Officer may consider such evidence that a prudent person would reasonably rely upon in the course of managing his or her own affairs.
9. Upon conclusion of the hearing, the parties may make closing arguments on the record or, if either party so requests, may submit post-hearing briefs in support of their positions, which briefs may contain appropriate citations to legal authority.
10. The determination by the Hearing Officer as to whether the applicant is eligible for benefits under PSEBA shall be in writing, shall include findings of fact and conclusions of law, and shall be consistent with PSEBA. If the Hearing Officer determines that the applicant is eligible for benefits under PSEBA, the determination shall include a finding as to the extent of the reduction, if any, of PSEBA benefits resulting from the existence of health insurance benefits payable from any other source.
11. Such determination shall constitute a final determination for the purpose of appeal to a court of competent jurisdiction.