**Section 104.70 Final Administrative Decision**

a) Following the hearing, a Final Administrative Decision will be made by the Director of the Department which either upholds or does not uphold the appealed action or determines that the Department lacks jurisdiction. A copy of the decision shall be mailed to the appellant and his authorized representative, if any.

b) A decision on appeal shall be given the interested parties within 60 days from the date of the filing of the appeal unless additional time is required for a proper disposition of the appeal in AABD, AFDC, MANG, Food Stamp, GA, and AMI cases.

c) When the appealed action is not upheld, the Department shall take appropriate action, in accordance with the decision, including authorization of retroactive assistance benefits, if necessary.

d) Appropriate action implementing the results of the decision shall be taken within 90 days from the date of initiation of the appeal, extended by any delay in the hearing caused by the appellant. In Food Stamp cases, if the decision results in an increase in household benefits, the increase shall be reflected in the coupon allotment within 10 days of receipt of the hearing decision. If the decision results in a decrease of food stamp benefits, the decrease shall be reflected in the next scheduled issuance following receipt of the hearing decision.

e) When an appellant whose assistance has been continued unchanged as a consequence of a request for a hearing does not appear at a scheduled hearing, and fails to advise the Department or Public Aid Committee of his inability to attend, the Department shall proceed with the planned change in assistance/food stamp benefits, unless the Department determines that there was good cause as defined in Section 104.60 for the non-appearances.

f) If an appellant dies before the date of hearing, the appeal process may be pursued by someone acting responsibly in the appellant's behalf.

g) Once a final decision is released by the Department or Committee, it is reviewable only through the Circuit Courts of the State of Illinois.

h) No petition for rehearing or reconsideration is allowed. Neither the filing of any such motion, or correspondence in the nature of such a motion, nor any response by the Department to such correspondence or motion will delay the time for filing of a complaint in the Circuit Court.

(Source: Amended at 16 Ill. Reg. 16632, effective October 23, 1992)