



Illinois Workers' Compensation Commission

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Pat Quinn, Governor

Mitch Weisz, Chairman

MEMORANDUM

TO: Arbitrators and Commissioners at the Workers' Compensation Commission

FROM: Chairman Mitch Weisz

DATE: February 5, 2013

RE: Certifications for Injured Workers' Benefit Fund Cases

Please be advised that the Insurance Compliance Division will no longer accept requests for certificates of non-insurance. As a result, this form will no longer be available for petitioners or their attorneys who appear before you. Proof of non-insurance is required for an employee to recover from the Injured Workers' Benefit Fund ("IWBF") pursuant to section 4(d) of the Act.

Neither the Act, nor our rules specify what evidence is acceptable in establishing a lack of insurance. The Act does state that the Commission shall "hear and determine the application for adjustment of claim in the manner in which other claims are heard and determined before the Commission." As such, please continue to use your judgment to evaluate the evidence provided in each case in support of petitioner's claim. In preparation for this change, we are advising the petitioners' bar of alternative means available for obtaining evidence of non-insurance. These examples are for illustration purposes only and serve as an advisory of the types of evidence you may encounter, including, but not limited to:

- an affidavit attesting that a search revealed no insurance on the date of the accident;
- testimony that there was no insurance on the date of accident;
- and/or or documents responsive to a subpoena issued to the National Council on Compensation Insurance ("NCCI"), which is the agent designated by the Commission to receive insurance policy information required under the Act.

As in all other cases, the decision on which evidence to accept and its weight remains yours. This memorandum is merely a notification of the change being made at the Commission.

Please direct any questions to the legal department or the Chairman's office.