

**LABOR AND INDUSTRY REVIEW COMMISSION
2017
UNEMPLOYMENT INSURANCE**

	<u>Appeals Filed</u>	<u>Decisions Issued</u>	
January	111	130	
February	78	92	
March	95	126	
April	67	89	
May	85	70	
June	101	73	
July	81	75	
August	94	91	
September	81	76	
October	91	56	
November	103	29	
December	<u>68</u>	<u>86</u>	
	1055	993	Pending End of Year
	87 /mo.	82 /mo.	232

* Includes all programs (UCFX, EB, etc.,) but not multi-claimant cases.

Decisions Issued by Type of Appellant:

Total Claimant Appeals	743	
Reversed in Favor of Claimant	61	8%
Total Employer Appeals	205	
Reversed in Favor of Employer	18	9%
Total Department Appeals	45	
Reversed	1	2%

75% of LIRC appeals were by Claimants
21% of LIRC appeals were by Employers
5% of LIRC appeals were by Dept. of Workforce Development

<u>LIRC Rulings:</u>	Affirmed	40%
	Modified & Affirmed	22%
	Affirmed in part/Reversed in part	2%
	Reversed	6%
	Remanded	23%
	Dismissed	7%
	Withdrawn	1%

NOTE: Due to rounding, total may not equal 100%.

**2017
UI TIME LAPSE STATISTICS**

	<u>Decisions Issued</u>	<u>Within 45 Days</u>	<u>Within 75 Days</u>	<u>Over 75 Days</u>
January	130	58 - 45%	92 - 71%	38 - 29%
February	92	48 - 52%	71 - 77%	21 - 23%
March	126	54 - 43%	100 - 79%	26 - 21%
April	89	75 - 84%	88 - 99%	1 - 1%
May	70	51 - 73%	68 - 97%	2 - 3%
June	73	38 - 52%	59 - 81%	14 - 19%
July	75	44 - 59%	70 - 93%	5 - 7%
August	91	54 - 59%	80 - 88%	11 - 12%
September	76	35 - 46%	43 - 57%	33 - 43%
October	56	10 - 18%	34 - 61%	22 - 39%
November	29	4 - 14%	12 - 41%	17 - 59%
December	86	23 - 27%	57 - 66%	29 - 34%
	<u>993</u>	494 - 50%	774 - 78%	219 - 22%

U.S. Dept. of Labor "time lapse" standard, effective April 1, 2008, is for average age of pending cases not to exceed 40 days.

UI CASE AGING STATISTICS

	<u>Average</u>	<u>Median</u>
January	43	32
February	41	29
March	27	23
April	32	20
May	35	23
June	27	22
July	33	28
August	38	32
September	38	33
October	37	33
November	44	37
December	56	48
Yearly Average	38	30

**LABOR AND INDUSTRY REVIEW COMMISSION
2017
WORKERS COMPENSATION**

	<u>Appeals Received</u>	<u>Decisions Issued</u>	
January	14	24	
February	9	15	
March	16	15	
April	10	15	
May	18	19	
June	19	16	
July	20	10	
August	12	5	
September	10	19	
October	17	10	
November	19	6	
December	<u>16</u>	<u>6</u>	
	180	160	127 Pending at End of Year*
	15 /mo.	13 /mo.	

*Pending counts prior to 2015 reflected number of files pending at LIRC.

**LABOR AND INDUSTRY REVIEW COMMISSION
2017
WORKERS COMPENSATION**

DECISIONS ISSUED BY TYPE OF APPELLANT

TOTAL DECISIONS - ALL APPELLANTS	160	
Total Applicant Appeals	59	- 37% (of all appeals)
Affirmed (includes modifications)	39 /59	- 66%
Affirmed in part/Reversed in part	7 /59	- 12%
Reversed	3 /59	- 5%
Remand for Approval of Compromise	1 /59	- 2%
Remand for New Findings & Order	1 /59	- 2%
Dismissed/no jurisdiction	2 /59	- 3%
Petition withdrawn	2 /59	- 3%
Dismissed with prejudice	2 /59	3%
Late	2 /59	- 3%
 Total Respondent Appeals	 93	 - 58% (of all appeals)
Affirmed (includes modifications)	15 /93	- 16%
Affirmed in part/Reversed in part	19 /93	- 20%
Reversed	26 /93	- 28%
Remand for Approval of Compromise	21 /93	- 23%
Petition withdrawn	5 /93	- 5%
Remand for New Findings & Order	4 /93	- 4%
Dismissed/no jurisdiction	2 /93	- 2%
Dismissed/prejudice	1 /93	- 1%
 Total Applicant & Respondent Combined Appeals	 8	 - 5% (of all appeals)
		-
Reversed	4 /8	- 50%
Affirmed in part/Reversed in part	3 /8	38%
Dismissed w/prejudice	1 /8	13%
 Appeal by Wis. Supplemental Benefit Fund	 0	 - 0% (of all appeals)
		-

NOTE: Due to rounding, total may not equal 100%.

**LABOR AND INDUSTRY REVIEW COMMISSION
2017
EQUAL RIGHTS**

	<u>Appeals Received</u>	<u>Decisions Issued</u>	
January	5	9	
February	3	3	
March	11	5	
April	8	2	
May	4	7	
June	3	6	
July	11	4	
August	4	6	
September	12	5	
October	4	4	
November	9	5	Pending
December	<u>19</u>	<u>5</u>	End of Year
	93	61	62
	8 /mo.	5 /mo.	

Affirmed	32	-	52%
Modified & Affirmed	7	-	11%
Reversed	2	-	3%
Remanded	6	-	10%
Affirm in part/reverse in part	1	-	2%
Reverse in part/remand	2	-	3%
Modify in part/remand	0	-	0%
Dismissed (late petition; no juris.)	8	-	13%
Settled/Withdrawn	3	-	5%

NOTE: Due to rounding, total may not equal 100%.

46% of all decisions issued found no discrimination.

3% of all decisions issued found discrimination.

51% of all decisions were settlements, withdrawals, dismissals, or procedural decisions where no determination of discrimination was made by the commission.

2017 EQUAL RIGHTS TIME LAPSE

	Total Decisions Issued	Within 90 Days	90-180 Days	180-365 Days	Over 365 Days
January	9	3 - 33%	1 - 11%	4 - 44%	1 - 11%
February	3	0 - 0%	1 - 33%	2 - 67%	0 - 0%
March	5	1 - 20%	1 - 20%	1 - 20%	2 - 40%
April	2	0 - 0%	1 - 50%	0 - 0%	1 - 50%
May	7	3 - 43%	0 - 0%	3 - 43%	1 - 14%
June	6	1 - 17%	4 - 67%	1 - 17%	0 - 0%
July	4	1 - 25%	1 - 25%	2 - 50%	0 - 0%
August	6	4 - 67%	0 - 0%	1 - 17%	1 - 17%
September	5	1 - 20%	1 - 20%	3 - 60%	0 - 0%
October	4	2 - 50%	1 - 25%	0 - 0%	1 - 25%
November	5	3 - 60%	0 - 0%	1 - 20%	1 - 20%
December	5	3 - 60%	0 - 0%	2 - 40%	0 - 0%
	61	22 - 36%	11 - 18%	20 - 33%	8 - 13%

EQUAL RIGHTS DECISIONS BY ISSUE

EMPLOYMENT

Retaliation	9
Handicap/Disability	10
Race	6
Age	4
Sex	11
Arrest/Conviction	6
National Origin	0
Creed	0
Color	3
Religion	0
Marital Status	1
Relief only	0
Lawful Products	0
Military Status	0

PUBLIC ACCOMMODATION 3

(Some complaints involve more than one issue.)

**LABOR AND INDUSTRY REVIEW COMMISSION
2017
UNEMPLOYMENT INSURANCE EMPLOYER TAX OR LIABILITY CASES**

Appeals Received	54
Decisions Issued	27

Affirmed*	7 - 26%
Modified & Affirmed*	4 - 15%
Reversed	5 - 19%
Affirmed in part/Reversed in part	2 - 7%
Remand	5 - 19%
Dismissed	2 - 7%
Withdrawn	2 - 7%

* May include commission affirmances of ALJ dismissals of late requests for hearing.

NOTE: Due to rounding, total may not equal 100%.

2017 COURT STATISTICS

UNEMPLOYMENT INSURANCE

Total UI Court Decisions	40
Circuit Court	33
Court of Appeals	5
Supreme Court	2
<u>Circuit Court Decisions</u>	33
Affirmed LIRC	13 - 87%
Reversed LIRC	2 - 13%
Remand to LIRC	3 - 9%
Dismissed	15 - 45%
<u>Court of Appeals Decisions</u>	5
Affirmed Circuit Court, Affirmed LIRC	3 - 60%
Reversed-Other	1 - 20%
Remand to Circuit Court	1 - 20%
<u>Supreme Court Decisions</u>	2
Affirmed Appeals Court	1 - 50%
Dismissal	1 - 50%

EMPLOYER TAX OR LIABILITY

Total Employer Tax or Liability Court Decisions	6
Circuit Court	6
Court of Appeals	0
Supreme Court	0
<u>Circuit Court Decisions</u>	6
Affirmed LIRC	5 - 83%
Dismissed	1 - 17%
<u>Court of Appeals Decisions</u>	0
<u>Supreme Court Decisions</u>	0

2017 COURT STATISTICS

WORKERS COMPENSATION

Total WC Court Decisions	39	
Circuit Court	29	
Court of Appeals	9	
Supreme Court	1	
<u>Circuit Court Decisions</u>	29	
Affirmed LIRC	16 -	55%
Dismissed	6 -	21%
Reverse in part/affirm in part	1	4%
Remand to LIRC	3	10%
Reverse LIRC	3	10%
<u>Court of Appeals Decisions</u>	9	
Affirmed Circuit Court, Affirmed LIRC	7 -	78%
Reversed Circuit Court and LIRC	1 -	11%
Remand for Compromise	1	11%
<u>Supreme Court Decisions</u>	1	
Reversed Court of Appeal, Affirmed LIRC	1	100%

2017 COURT STATISTICS

EQUAL RIGHTS

Total ER Court Decisions	17	
Circuit Court	11	
Court of Appeals	5	
Supreme Court	1	
<u>Circuit Court Decisions</u>	11	
Affirmed LIRC	9	82%
Dismissed	2	18%
<u>Court of Appeals Decisions</u>	5	
Affirmed Circuit Court, Affirmed LIRC	2	40%
Dismissed	1	20%
Reverse Circuit Court and Remand	1	20%
Affirm Circuit Court, Reversed LIRC	1	20%
<u>Supreme Court</u>		
Petition Denied	1	100%

2017

<u>Program</u>	<u>ALJ Decisions Issued</u>	<u>Appeals to LIRC</u>	<u>Percentage</u>
UNEMPLOYMENT INSURANCE	16,815	1,055	6%
EMPLOYER TAX OR LIABILITY CASES	304	54	18%
WORKERS COMPENSATION	282	180	64%
EQUAL RIGHTS	*255	93	36%

* Includes Fair Employment, Health Care Worker Protection and Public Accommodation cases.
Housing and Family & Medical Leave cases are not appealable to LIRC.

COMPARISONS BETWEEN YEARS AND PROGRAMS

UNEMPLOYMENT INSURANCE

	<u>Appeals Received</u>	<u>Decisions Issued</u>	<u>Appeals to Court</u>	
1997	2427	2316	60	3%
1998	2378	2363	48	2%
1999	2152	2243	40	2%
2000	2034	2054	50	2%
2001	2462	2383	49	2%
2002	3133	2806	65	2%
2003	3985	3200	57	2%
2004	3473	4327	58	1%
2005	2613	2845	84	3%
2006	2305	2303	71	3%
2007	2313	2251	47	2%
2008	2475	2473	60	2%
2009	3135	2680	92	3%
2010	3524	3576	130	4%
2011	3858	3374	133	4%
2012	3093	3460	120	3%
2013	2740	2933	97	3%
2014	2424	2498	95	4%
2015	1735	1773	48	3%
2016	1420	1448	38	3%
2017	1055	993	24	2%*

* Number of "cases" appealed to court; some cases include multiple hearing numbers.

EMPLOYER TAX OR LIABILITY

1997	24	24	1	4%
1998	24	27	4	15%
1999	39	35	5	14%
2000	22	31	0	0%
2001	28	35	3	9%
2002	17	17	3	18%
2003	17	30	3	10%
2004	22	19	3	16%
2005	17	29	4	14%
2006	20	17	5	29%
2007	36	30	5	17%
2008	18	31	4	13%
2009	17	17	5	29%
2010	15	16	2	13%
2011	8	10	1	10%
2012	34	34	2	6%
2013	45	33	3	9%
2014	56	58	7	12%
2015	59	46	3	7%
2016	42	57	8	14%
2017	54	27	0	0%

COMPARISONS BETWEEN YEARS AND PROGRAMS

WORKERS COMPENSATION

	<u>Appeals Received</u>	<u>Decisions Issued</u>	<u>Appeals to Court</u>	
1997	502	493	85	17%
1998	491	495	73	15%
1999	406	483	93	19%
2000	412	405	60	15%
2001	388	399	56	14%
2002	413	379	55	15%
2003	346	337	54	16%
2004	361	332	55	17%
2005	290	455	76	17%
2006	250	282	37	13%
2007	304	263	38	14%
2008	275	306	60	20%
2009	251	253	42	17%
2010	238	236	37	16%
2011	185	208	29	14%
2012	200	204	26	13%
2013	176	177	31	18%
2014	190	181	36	20%
2015	214	230	32	14%
2016	202	199	29	15%
2017	181	160	30	19%

EQUAL RIGHTS

	<u>Appeals Received</u>	<u>Decisions Issued</u>	<u>Appeals to Court</u>	
1997	145	119	16	13%
1998	96	98	16	16%
1999	79	88	15	17%
2000	119	91	13	14%
2001	89	112	15	13%
2002	97	74	18	24%
2003	120	108	16	15%
2004	97	101	24	24%
2005	104	144	23	16%
2006	96	91	17	19%
2007	101	85	12	14%
2008	96	101	16	16%
2009	118	88	10	11%
2010	122	88	15	17%
2011	91	106	21	20%
2012	91	99	16	16%
2013	63	111	18	16%
2014	77	107	21	20%
2015	77	94	19	20%
2016	72	64	13	20%
2017	93	61	10	16%