

**LABOR AND INDUSTRY REVIEW COMMISSION
2018
UNEMPLOYMENT INSURANCE**

	<u>Appeals Filed</u>	<u>Decisions Issued</u>	
January	108	136	
February	78	78	
March	90	161	
April	96	82	
May	90	59	
June	66	44	
July	75	80	
August	88	82	
September	74	87	
October	93	68	
November	84	81	
December	<u>79</u>	<u>58</u>	
	1021	1016	Pending End of Year
	85 /mo.	84 /mo.	232

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

Decisions Issued by Type of Appellant:

Total Claimant Appeals	831	
Reversed in Favor of Claimant	54	6%
Total Employer Appeals	184	
Reversed in Favor of Employer	34	18%
Total Department Appeals	1	
Reversed	1	100%

82% of LIRC appeals were by Claimants
18% of LIRC appeals were by Employers
0% of LIRC appeals were by Dept. of Workforce Development

<u>LIRC Rulings:</u>	Affirmed	41%
	Modified & Affirmed	23%
	Affirmed in part/Reversed in part	1%
	Reversed	7%
	Remanded	16%
	Dismissed	11%
	Withdrawn	1%

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

**2018
UI TIME LAPSE STATISTICS**

	<u>Decisions Issued</u>	<u>Within 45 Days</u>	<u>Within 75 Days</u>	<u>Over 75 Days</u>
January	136	16 - 12%	75 - 55%	61 - 45%
February	78	8 - 10%	36 - 46%	42 - 54%
March	161	33 - 20%	97 - 60%	64 - 40%
April	82	45 - 55%	82 - 100%	0 - 0%
May	59	33 - 56%	52 - 88%	7 - 12%
June	44	11 - 25%	29 - 66%	15 - 34%
July	80	13 - 16%	43 - 54%	37 - 46%
August	82	10 - 12%	36 - 44%	46 - 56%
September	87	20 - 23%	49 - 56%	38 - 44%
October	68	19 - 28%	36 - 53%	32 - 47%
November	81	10 - 12%	47 - 58%	34 - 42%
December	58	9 - 16%	32 - 55%	26 - 45%
	<u>1016</u>	<u>227</u> 22%	<u>614</u> 60%	<u>402</u> 40%

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	45	33
February	44	37
March	27	26
April	33	28
May	43	34
June	52	46
July	55	46
August	49	36
September	48	41
October	48	37
November	46	38
December	53	42
Yearly Average	45	37

**LABOR AND INDUSTRY REVIEW COMMISSION
2018
WORKERS COMPENSATION**

	<u>Appeals Received</u>	<u>Decisions Issued</u>	
January	14	18	
February	13	22	
March	6	16	
April	9	10	
May	10	25	
June	12	17	
July	10	12	
August	11	8	
September	12	8	
October	9	12	
November	11	18	
December	<u>8</u>	<u>9</u>	
	125	175	77 Pending at End of Year*
	10 /mo.	15 /mo.	

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

**LABOR AND INDUSTRY REVIEW COMMISSION
2018
WORKERS COMPENSATION**

DECISIONS ISSUED BY TYPE OF APPELLANT

TOTAL DECISIONS - ALL APPELLANTS	175	
Total Applicant Appeals	72	- 41% (of all appeals)
Affirmed (includes modifications)	36 /72	- 50%
Affirmed in part/Reversed in part	3 /72	- 4%
Reversed	6 /72	- 8%
Remand for Approval of Compromise	13 /72	- 18%
Remand for New Findings & Order	2 /72	- 3%
Dismissed/no jurisdiction	6 /72	- 8%
Petition withdrawn	2 /72	- 3%
Dismissed with prejudice	1 /72	1%
Late	1 /72	- 1%
Remand (other)	2 /72	3%
Total Respondent Appeals	96	- 55% (of all appeals)
Affirmed (includes modifications)	35 /96	- 36%
Affirmed in part/Reversed in part	13 /96	- 14%
Reversed	19 /96	- 20%
Remand for Approval of Compromise	19 /96	- 20%
Petition withdrawn	3 /96	- 3%
Remand for New Findings & Order	4 /96	- 4%
Dismissed/no jurisdiction	1 /96	- 1%
Dismissed/prejudice	0 /96	- 0%
Remand (other)	2 /96	2%
Total Applicant & Respondent Combined Appeals	7	- 4% (of all appeals)
Reversed	1 /7	- 14%
Affirmed in part/Reversed in part	1 /7	14%
Affirmed (includes modiciations)	2 /7	29%
Remand for Approval of Compromise	3 /7	43%
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
2018
EQUAL RIGHTS**

	<u>Appeals Received</u>	<u>Decisions Issued</u>	
January	7	8	
February	3	8	
March	2	4	
April	12	7	
May	7	11	
June	4	7	
July	5	4	
August	8	9	
September	6	4	
October	6	7	
November	2	7	Pending
December	1	7	End of Year
	<hr/>	<hr/>	
	63	83	42
	5 /mo.	7 /mo.	

Affirmed	28	-	34%
Modified & Affirmed	25	-	30%
Reversed	3	-	4%
Remanded	5	-	6%
Affirm in part/reverse in part	0	-	0%
Reverse in part/remand	0	-	0%
Modify in part/remand	0	-	0%
Dismissed (late petition; no juris.)	19	-	23%
Settled/Withdrawn	3	-	4%

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

42% of all decisions issued found no discrimination.

5% of all decisions issued found discrimination.

53% 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	8	5 - 63%	0 - 0%	1 - 13%	2 - 25%
February	8	1 - 13%	1 - 13%	1 - 13%	5 - 63%
March	4	1 - 25%	1 - 25%	1 - 25%	1 - 25%
April	7	1 - 14%	3 - 43%	2 - 29%	1 - 14%
May	11	3 - 27%	3 - 27%	5 - 45%	0 - 0%
June	7	2 - 29%	1 - 14%	3 - 43%	1 - 14%
July	4	2 - 50%	1 - 25%	0 - 0%	1 - 25%
August	9	2 - 22%	3 - 33%	1 - 11%	3 - 33%
September	4	0 - 0%	1 - 25%	1 - 25%	2 - 50%
October	7	5 - 71%	1 - 14%	0 - 0%	1 - 14%
November	7	3 - 43%	1 - 14%	2 - 29%	1 - 14%
December	7	0 - 0%	3 - 43%	0 - 0%	4 - 57%
	83	25 - 30%	19 - 23%	17 - 20%	22 - 27%

EQUAL RIGHTS DECISIONS BY ISSUE

EMPLOYMENT

Retaliation	17
Handicap/Disability	15
Race	12
Age	10
Sex	8
Arrest/Conviction	13
National Origin	2
Creed	1
Color	3
Religion	3
Marital Status	0
Relief only	0
Lawful Products	0
Military Status	0

PUBLIC ACCOMMODATION 4

(Some complaints involve more than one issue.)

**LABOR AND INDUSTRY REVIEW COMMISSION
2018
UNEMPLOYMENT INSURANCE EMPLOYER TAX OR LIABILITY CASES**

Appeals Received	39
Decisions Issued	44

Affirmed*	10 -	23%
Modified & Affirmed*	26 -	59%
Reversed	2 -	5%
Affirmed in part/Reversed in part	1 -	2%
Remand	3 -	7%
Dismissed	1 -	2%
Withdrawn	1 -	2%

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

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

2018 COURT STATISTICS

UNEMPLOYMENT INSURANCE

Total UI Court Decisions	29
Circuit Court	28
Court of Appeals	0
Supreme Court	1
<u>Circuit Court Decisions</u>	28
Affirmed LIRC	17 - 61%
Reversed LIRC	0 - 0%
Remand to LIRC	2 - 7%
Dismissed	8 - 29%
Withdrawan	1 - 4%
<u>Court of Appeals Decisions</u>	0
<u>Supreme Court Decisions</u>	1
Reversed Appeals Court	1 - 100%

EMPLOYER TAX OR LIABILITY

Total Employer Tax or Liability Court Decisions	3
Circuit Court	0
Court of Appeals	2
Supreme Court	1
<u>Circuit Court Decisions</u>	0
<u>Court of Appeals Decisions</u>	2
Affirmed LIRC/Affirmed CC	2 - 100%
<u>Supreme Court Decisions</u>	1
Petition denied	1 - 100%

2018 COURT STATISTICS

WORKERS COMPENSATION

Total WC Court Decisions	30
Circuit Court	24
Court of Appeals	6
Supreme Court	0
<u>Circuit Court Decisions</u>	24
Affirmed LIRC	15 - 63%
Dismissed	7 - 29%
Remand to LIRC	1 4%
Reverse LIRC	1 4%
<u>Court of Appeals Decisions</u>	6
Affirmed Circuit Court, Affirmed LIRC	3 - 50%
Reversed Circuit Court and Affirm LIRC	1 - 17%
Reversed Circuit Court and LIRC	1 17%
Affirm in part/reverse in part Circuit Court and LIRC	1 17%
<u>Supreme Court Decisions</u>	0

2018 COURT STATISTICS

EQUAL RIGHTS

Total ER Court Decisions	11	
Circuit Court	6	
Court of Appeals	3	
Supreme Court	2	
<u>Circuit Court Decisions</u>	6	
Affirmed LIRC	5	83%
Dismissed	1	17%
<u>Court of Appeals Decisions</u>	3	
Affirmed Circuit Court, Affirmed LIRC	1	33%
Dismissed	2	67%
<u>Supreme Court</u>	2	
Petition Denied	1	50%
Reverse Court of Appeals and LIRC	1	50%

2018

<u>Program</u>	<u>ALJ Decisions Issued</u>	<u>Appeals to LIRC</u>	<u>Percentage</u>
UNEMPLOYMENT INSURANCE	16,691	1,021	6%
EMPLOYER TAX OR LIABILITY CASES	223	39	17%
WORKERS COMPENSATION	389	125	32%
EQUAL RIGHTS	*219	63	29%

* 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%*
2018	1021	1016	33	3%

* 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%
2018	39	44	5	11%

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%
2018	125	175	24	14%

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%
2018	63	83	8	10%
