

**LABOR AND INDUSTRY REVIEW COMMISSION
2019
UNEMPLOYMENT INSURANCE**

	Appeals Filed	Decisions Issued	
January	83	108	
February	83	98	
March	76	157	
April	75	83	
May	71	31	
June	66	53	
July	59	77	
August	83	91	
September	65	61	
October	59	72	
November	65	75	
December	58	72	
	843	978	Pending End of Year
	70 /mo.	82 /mo.	92

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

Decisions Issued by Type of Appellant:

Total Claimant Appeals	720	
Reversed in Favor of Claimant	67	9%
Total Employer Appeals	249	
Reversed in Favor of Employer	25	10%
Total Department Appeals	8	
Reversed	6	75%

74% of LIRC appeals were by Claimants
25% of LIRC appeals were by Employers
1% of LIRC appeals were by Dept. of Workforce Development

<u>LIRC Rulings:</u>	Affirmed	48%
	Modified & Affirmed	16%
	Affirmed in part/Reversed in part	1%
	Reversed	8%
	Remanded	16%
	Dismissed	10%
	Withdrawn	1%

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

**2019
UI TIME LAPSE STATISTICS**

	<u>Decisions Issued</u>	<u>Within 45 Days</u>	<u>Within 75 Days</u>	<u>Over 75 Days</u>
January	107	15 - 14%	42 - 39%	65 - 61%
February	98	28 - 29%	47 - 48%	51 - 52%
March	157	43 - 27%	94 - 60%	63 - 40%
April	83	61 - 73%	80 - 96%	3 - 4%
May	31	16 - 52%	25 - 81%	6 - 19%
June	53	6 - 11%	25 - 47%	28 - 53%
July	77	6 - 8%	39 - 51%	38 - 49%
August	91	12 - 13%	63 - 69%	28 - 31%
September	61	17 - 28%	45 - 74%	16 - 26%
October	72	13 - 18%	53 - 74%	19 - 26%
November	75	32 - 43%	57 - 76%	18 - 24%
December	72	41 - 57%	59 - 82%	13 - 18%
	<u>977</u>	<u>290</u> 30%	<u>629</u> 64%	<u>348</u> 36%

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	49	45
February	45	37
March	23	23
April	30	27
May	36	32
June	38	37
July	38	35
August	29	26
September	34	32
October	35	31
November	30	25
December	29	26
Yearly Average	35	31

**LABOR AND INDUSTRY REVIEW COMMISSION
2019
WORKERS COMPENSATION**

	<u>Appeals Received</u>	<u>Decisions Issued</u>	
January	14	11	
February	12	8	
March	4	11	
April	16	24	
May	7	13	
June	14	23	
July	15	13	
August	7	7	
September	14	17	
October	10	13	
November	10	6	
December	<u>10</u>	<u>9</u>	
	133	155	55 Pending at End of Year*
	11 /mo.	13 /mo.	

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

**LABOR AND INDUSTRY REVIEW COMMISSION
2019
WORKERS COMPENSATION**

DECISIONS ISSUED BY TYPE OF APPELLANT

TOTAL DECISIONS - ALL APPELLANTS	155	
Total Applicant Appeals	51	- 33% (of all appeals)
Affirmed (includes modifications)	31 /51	- 61%
Affirmed in part/Reversed in part	5 /51	- 10%
Reversed	5 /51	- 10%
Remand for Approval of Compromise	3 /51	- 6%
Remand for New Findings & Order	1 /51	- 2%
Dismissed/no jurisdiction	4 /51	- 8%
Petition withdrawn	1 /51	- 2%
Dismissed with prejudice	0 /51	0%
Late	1 /51	- 2%
Remand (other)	0 /51	0%
Total Respondent Appeals	100	- 65% (of all appeals)
Affirmed (includes modifications)	39 /100	- 36%
Affirmed in part/Reversed in part	19 /100	- 14%
Reversed	17 /100	- 20%
Remand for Approval of Compromise	19 /100	- 20%
Petition withdrawn	0 /100	- 0%
Remand for New Findings & Order	4 /100	- 4%
Dismissed/no jurisdiction	0 /100	- 1%
Dismissed/prejudice	0 /100	- 0%
Remand (other)	2 /100	2%
Total Applicant & Respondent Combined Appeals	4	- 3% (of all appeals)
Reversed	0 /4	- 0%
Affirmed in part/Reversed in part	0 /4	0%
Affirmed (includes modiciations)	3 /4	75%
Remand for Approval of Compromise	1 /4	25%
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	2	
February	8	4	
March	4	2	
April	5	4	
May	2	3	
June	3	6	
July	7	4	
August	16	5	
September	17	10	
October	8	7	
November	5	2	Pending
December	4	2	End of Year
	86	51	77
	7 /mo.	4 /mo.	

Affirmed	19	-	37%
Modified & Affirmed	16	-	31%
Reversed	1	-	2%
Remanded	6	-	12%
Affirm in part/reverse in part	3	-	6%
Reverse in part/remand	0	-	0%
Modify in part/remand	1	-	2%
Dismissed (late petition; no juris.)	3	-	6%
Settled/Withdrawn	2	-	4%

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

39% of all decisions issued found no discrimination.
8% 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.

2019 EQUAL RIGHTS TIME LAPSE

	Total Decisions <u>Issued</u>	Within <u>90 Days</u>	<u>90-180 Days</u>	<u>180-365 Days</u>	Over <u>365 Days</u>
January	2	1 - 50%	1 50%	0 - 0%	0 - 0%
February	4	1 - 25%	1 - 25%	1 - 25%	1 - 25%
March	2	0 - 0%	1 - 50%	0 0%	1 - 50%
April	4	0 - 0%	2 - 50%	1 - 25%	1 - 25%
May	3	0 0%	1 - 33%	1 - 33%	1 - 33%
June	6	0 - 0%	0 - 0%	1 - 17%	5 - 83%
July	4	1 - 25%	0 - 0%	2 - 50%	1 - 25%
August	5	1 - 20%	0 - 0%	3 - 60%	1 - 20%
September	10	5 - 50%	1 - 10%	0 - 0%	4 - 40%
October	7	3 - 43%	0 - 0%	0 - 0%	4 - 57%
November	2	0 - 0%	0 - 0%	2 - 100%	0 - 0%
December	2	0 - 0%	0 - 0%	0 - 0%	2 - 100%
	51	12 - 24%	7 - 14%	11 - 22%	21 - 41%

EQUAL RIGHTS DECISIONS BY ISSUE

EMPLOYMENT

Retaliation	6
Handicap/Disability	4
Race	5
Age	4
Sex	7
Arrest/Conviction	3
National Origin	2
Pregnancy	3
Color	2
Religion	1
Marital Status	0
Genetic testing	1
Lawful Products	0
Military Status	0

PUBLIC ACCOMMODATION 4

(Some complaints involve more than one issue.)

**LABOR AND INDUSTRY REVIEW COMMISSION
2019
UNEMPLOYMENT INSURANCE EMPLOYER TAX OR LIABILITY CASES**

Appeals Received	29
Decisions Issued	55

Affirmed*	11 -	20%
Modified & Affirmed*	16 -	29%
Reversed	11 -	20%
Affirmed in part/Reversed in part	1 -	2%
Remand	8 -	15%
Dismissed	5 -	9%
Withdrawn	3 -	5%

* 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	43	
Circuit Court	39	
Court of Appeals	4	
Supreme Court	0	
<u>Circuit Court Decisions</u>	39	
Affirmed LIRC	16	41%
Reversed LIRC	2	5%
Remand to LIRC	4	10%
Dismissed	17	44%
Withdrawn	0	0%
<u>Court of Appeals Decisions</u>	4	
Affirmed Circuit court and LIRC	1	25%
Dismissed	2	50%
Affirmed (pther)	1	25%
<u>Supreme Court Decisions</u>	0	
	0	0%

EMPLOYER TAX OR LIABILITY

Total Employer Tax or Liability Court Decisions	12	
Circuit Court	12	100%
Court of Appeals	0	
Supreme Court	0	
<u>Circuit Court Decisions</u>	12	
Affirmed LIRC	4	33%
Remand to LIRC	1	8%
Dismissed	3	25%
Withdrawn	4	33%
<u>Court of Appeals Decisions</u>	0	
<u>Supreme Court Decisions</u>	0	

2019 COURT STATISTICS

WORKERS COMPENSATION

Total WC Court Decisions	24
Circuit Court	18
Court of Appeals	5
Supreme Court	1
<u>Circuit Court Decisions</u>	18
Affirmed LIRC	12 - 67%
Dismissed	3 - 17%
Remand to LIRC	3 - 17%
Reverse LIRC	0 - 0%
<u>Court of Appeals Decisions</u>	5
Affirmed Circuit Court, Affirmed LIRC	4 - 80%
Affirm Circuit Court, Circuit Court affirmed in part/reversed in part	1 - 20%
<u>Supreme Court Decisions</u>	1
Remand to LIRC, compromise received	1 - 100%

2019 COURT STATISTICS

EQUAL RIGHTS

Total ER Court Decisions	14	
Circuit Court	10	
Court of Appeals	3	
Supreme Court	1	
<u>Circuit Court Decisions</u>	10	
Affirmed LIRC	7	70%
Reverse	2	20%
Dismissed	1	10%
<u>Court of Appeals Decisions</u>	3	
Affirmed Circuit Court, Affirmed LIRC	1	33%
Dismissed	2	67%
<u>Supreme Court</u>	1	
Petition Denied	1	100%

2019

<u>Program</u>	<u>ALJ Decisions Issued</u>	<u>Appeals to LIRC</u>	<u>Percentage</u>
UNEMPLOYMENT INSURANCE	15,945	843	5%
EMPLOYER TAX OR LIABILITY CASES	235	29	12%
WORKERS COMPENSATION	362	133	37%
EQUAL RIGHTS	*216	86	40%

* 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%
2019	843	977	31	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%
2019	29	55	13	24%

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%
2019	133	155	24	15%

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%
2019	86	51	8	16%
