

**LABOR AND INDUSTRY REVIEW COMMISSION  
2021  
UNEMPLOYMENT INSURANCE**

	Appeals Filed	Decisions Issued	
January	119	115	
February	188	103	
March	224	209	
April	280	62	
May	306	122	
June	370	148	
July	312	131	
August	305	194	
September	326	266	
October	366	265	
November	330	290	
December	246	197	
	3372	2102	Pending End of Year
	281 /mo.	175 /mo.	1392

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

Decisions Issued by Type of Appellant:

Total Claimant Appeals	1808		
Reversed in Favor of Claimant	306	17%	
Total Employer Appeals	292		
Reversed in Favor of Employer	15	5%	
Total Department Appeals	2		

86% of LIRC appeals were by Claimants  
14% of LIRC appeals were by Employers  
0% of LIRC appeals were by Dept. of Workforce Development

<u>LIRC Rulings:</u>	Affirmed	39%
	Modified & Affirmed	9%
	Affirmed in part/Reversed in part	4%
	Reversed	11%
	Remanded	25%
	Dismissed	10%
	Withdrawn	3%

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

**2021  
UI TIME LAPSE STATISTICS**

	<u>Decisions Issued</u>	<u>Within 45 Days</u>	<u>Within 75 Days</u>	<u>Over 75 Days</u>
January	115	7 - 6%	53 - 46%	62 - 54%
February	103	14 - 14%	50 - 49%	53 - 51%
March	209	39 - 19%	109 - 52%	100 - 48%
April	62	9 - 15%	45 - 73%	17 - 27%
May	122	23 - 19%	46 - 38%	76 - 62%
June	148	23 - 16%	55 - 37%	93 - 63%
July	131	8 - 6%	32 - 24%	99 - 76%
August	194	4 - 2%	51 - 26%	143 - 74%
September	266	9 - 3%	58 - 22%	208 - 78%
October	265	5 - 2%	72 - 27%	193 - 73%
November	290	4 - 1%	151 - 52%	139 - 48%
December	197	1 - 1%	52 - 26%	145 - 74%
	<u>2102</u>	<u>146</u> 7%	<u>774</u> 37%	<u>1328</u> 63%

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	44	39
February	39	32
March	32	28
April	40	36
May	47	42
June	53	45
July	62	57
August	69	67
September	74	69
October	78	67
November	85	77
December	94	85
Yearly Average	60	54

**LABOR AND INDUSTRY REVIEW COMMISSION  
2021  
WORKERS COMPENSATION**

	<u>Appeals Received</u>	<u>Decisions Issued</u>	
January	1	3	
February	2	5	
March	2	8	
April	11	7	
May	1	2	
June	11	5	
July	7	6	
August	9	2	
September	8	6	
October	2	1	
November	4	6	
December	<u>2</u>	<u>1</u>	
	60	52	25 Pending at End of Year*
	5 /mo.	4 /mo.	

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

**LABOR AND INDUSTRY REVIEW COMMISSION  
2021  
WORKERS COMPENSATION**

**DECISIONS ISSUED BY TYPE OF APPELLANT**

<b>TOTAL DECISIONS - ALL APPELLANTS</b>	<b>52</b>	
<b>Total Applicant Appeals</b>	22	- 42% (of all appeals)
Affirmed (includes modifications)	9	- 41%
Affirmed in part/Reversed in part	1	- 1%
Reversed	4	- 18%
Remand for Approval of Compromise	0	- 0%
Remand for New Findings & Order	0	- 0%
Dismissed/no jurisdiction	6	- 3%
Petition withdrawn	2	- 1%
Dismissed with prejudice	0	0%
Late	0	- 0%
Remand (other)	0	0%
<b>Total Respondent Appeals</b>	29	- 56% (of all appeals)
Affirmed (includes modifications)	15	- 52%
Affirmed in part/Reversed in part	5	- 17%
Reversed	2	- 1%
Remand for Approval of Compromise	6	- 21%
Petition withdrawn	1	- 2%
Remand for New Findings & Order	0	- 0%
Dismissed/no jurisdiction	0	- 0%
Dismissed/prejudice	0	- 0%
Remand (other)	0	0%
<b>Total Applicant &amp; Respondent Combined Appeals</b>	1	- 2% (of all appeals)
Reversed	0	- 0%
Affirmed in part/Reversed in part	0	0%
Affirmed (includes modiciations)	0	0%
Remand for Approval of Compromise	1	2%
<b>Appeal by Wis. Supplemental Benefit Fund</b>	0	- 0% (of all appeals)

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

**LABOR AND INDUSTRY REVIEW COMMISSION  
2021  
EQUAL RIGHTS**

	<u>Appeals Received</u>	<u>Decisions Issued</u>	
January	5	2	
February	2	4	
March	3	3	
April	0	3	
May	9	6	
June	4	2	
July	3	3	
August	2	2	
September	5	5	
October	2	8	
November	2	5	Pending
December	<u>5</u>	<u>10</u>	End of Year
	42	53	54
	4 /mo.	4 /mo.	

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Affirmed	28	-	53%
Modified & Affirmed	14	-	26%
Reversed	6	-	11%
Remanded	2	-	4%
Affirm in part/reverse in part	2	-	4%
Reverse in part/remand	0	-	0%
Modify in part/remand	0	-	0%
Dismissed (late petition; no juris.)	1	-	2%
Settled/Withdrawn	1	-	2%

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

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26% of all decisions issued found no discrimination.  
 4% of all decisions issued found discrimination.  
 69% of all decisions were settlements, withdrawals, dismissals, or procedural decisions  
 where no determination of discrimination was made by the commission.

**2021 EQUAL RIGHTS TIME LAPSE**

	Total Decisions Issued	Within 90 Days	90-180 Days	180-365 Days	Over 365 Days
January	2	1 - 50%	0 - 0%	0 - 0%	1 - 50%
February	4	0 - 0%	0 - 0%	1 - 25%	3 - 75%
March	3	0 - 0%	0 - 0%	2 - 67%	1 - 33%
April	3	0 - 0%	1 - 33%	1 - 33%	1 - 33%
May	6	0 - 0%	1 - 17%	1 - 17%	4 - 67%
June	2	1 - 50%	0 - 0%	1 - 50%	1 - 50%
July	3	0 - 0%	0 - 0%	0 - 0%	3 - 100%
August	2	0 - 0%	0 - 0%	1 - 50%	1 - 50%
September	5	0 - 0%	2 - 40%	3 - 60%	0 - 0%
October	8	0 - 0%	4 - 50%	4 - 50%	0 - 0%
November	5	0 - 0%	3 - 60%	2 - 40%	0 - 0%
December	10	3 - 20%	4 - 40%	0 - 0%	3 - 30%
	53	5 - 9%	17 - 32%	16 - 30%	18 - 34%

**EQUAL RIGHTS DECISIONS BY ISSUE**

EMPLOYMENT

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

PUBLIC ACCOMMODATION 5

(Some complaints involve more than one issue.)

**LABOR AND INDUSTRY REVIEW COMMISSION  
2021  
UNEMPLOYMENT INSURANCE EMPLOYER TAX OR LIABILITY CASES**

Appeals Received	11
Decisions Issued	2

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Affirmed*	2 -	100%
Modified & Affirmed*	0 -	0%
Reversed	0 -	0%
Affirmed in part/Reversed in part	0 -	0%
Remand	0 -	0%
Dismissed	0 -	0%
Withdrawn	0 -	0%

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

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

## 2021 COURT STATISTICS

### UNEMPLOYMENT INSURANCE

Total UI Court Decisions	26	
Circuit Court	26	
Court of Appeals	0	
Supreme Court	0	
<u>Circuit Court Decisions</u>	26	
Affirmed LIRC	7	27%
Reversed LIRC	7	27%
Remand to LIRC	0	0%
Dismissed	12	46%
Withdrawn	0	0%
<u>Court of Appeals Decisions</u>	0	
Affirmed Circuit court and LIRC	0	0%
Reversed Circuit Court and LIRC	0	0%
Dismissed	0	#DIV/0!
Affirmed (pther)	0	#DIV/0!
<u>Supreme Court Decisions</u>	0	
	0	0%

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### EMPLOYER TAX OR LIABILITY

Total Employer Tax or Liability Court Decisions	1	
Circuit Court	1	100%
Court of Appeals	0	
Supreme Court	0	
<u>Circuit Court Decisions</u>	1	
Affirmed LIRC	0	0%
Reversed LIRC	1	100%
Dismissed	0	0%
Withdrawn	0	0%
<u>Court of Appeals Decisions</u>	0	
Affirmed	0	0%
Dismissal	0	0%
<u>Supreme Court Decisions</u>	0	

## 2021 COURT STATISTICS

### WORKERS COMPENSATION

Total WC Court Decisions	19
Circuit Court	14
Court of Appeals	5
Supreme Court	0
<u>Circuit Court Decisions</u>	14
Affirmed LIRC	7 - 47%
Dismissed	2 - 13%
Remand to LIRC	2 - 13%
Reverse LIRC	2 - 13%
Affirm/Reverse LIRC	1 1%
<u>Court of Appeals Decisions</u>	5
Affirmed Circuit Court, Affirmed LIRC	3 - 60%
Reverse LIRC, Reverse Circuit Court	1 20%
Dismissed	1 20%
<u>Supreme Court Decisions</u>	0

## 2021 COURT STATISTICS

### EQUAL RIGHTS

Total ER Court Decisions	8	
Circuit Court	6	
Court of Appeals	1	
Supreme Court	1	
<u>Circuit Court Decisions</u>	6	
Affirmed LIRC	4	67%
Reverse	0	0%
Dismissed	2	33%
<u>Court of Appeals Decisions</u>	2	
Dismissed	1	100%
<u>Supreme Court</u>	1	
Petition Denied	1	100%

**2021**

<u>Program</u>	<u>ALJ Decisions Issued</u>	<u>Appeals to LIRC</u>	<u>Percentage</u>
<b>UNEMPLOYMENT INSURANCE</b>	64,543	3,372	5%
<b>EMPLOYER TAX OR LIABILITY CASES</b>	68	11	16%
<b>WORKERS COMPENSATION</b>	576	60	10%
<b>EQUAL RIGHTS</b>	181	42	23%

\* 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%
2020	1254	1017	26	3%
2021	3372	2102	41	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%
2018	39	44	5	11%
2019	29	55	13	24%
2020	156	165	2	1%
2021	11	2	2	100%

**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%
2020	79	117	20	17%
2021	60	52	4	8%

**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%
2020	41	53	11	21%
2021	42	53	4	8%