

## ***Statistics on Appeals and Decisions -- 2005***

These statistics reflect case processing by LIRC in calendar year **2005**. Persons with questions about the statistics in any of these categories are encouraged to contact LIRC.

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### **2005 LIRC STATISTICS**

#### **Unemployment Insurance**

[Number of appeals and decisions issued](#)

[Decisions issued by type of appellant](#)

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#### **Workers Compensation**

[Number of appeals and decisions issued](#)

[Decisions issued by type of appellant](#)

#### **Equal Rights**

[Number of appeals and decisions issued](#)

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#### **Employer Tax or Liability ("Status") Cases**

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#### **Court Cases**

[Unemployment Insurance](#)

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## General - All Programs

### Appeals to LIRC as percentage of ALJ decisions issued Comparison Between Years

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#### UNEMPLOYMENT INSURANCE (2005)

(1) 2005 - NUMBER OF UI APPEALS FILED AND DECISIONS ISSUED:

	Appeals Filed	Decisions Issued	
January	192	221	
February	206	306	
March	250	201	
April	211	208	
May	242	292	
June	197	275	
July	226	235	
August	253	208	
September	206	205	
October	224	211	
November	234	270	
December	172	213	
	2,613	2,845	308 cases pending at end of year
	218/mo.	237/mo.	

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(2) 2005 - UI DECISIONS ISSUED BY TYPE OF APPELLANT:

Total Claimant Appeals            1,829

Reversed in Favor of Claimant-Appellant 190/1,829 10.4%

Total Employer Appeals 1,000

Reversed in Favor of Employer-Appellant 102/1,000 10.2%

Total Department Appeals 16

Reversed in Favor of Department-Appellant 8/16 50.0%

64% of LIRC appeals were by Claimants  
 35% of LIRC appeals were by Employers  
 1% of LIRC appeals were by Dept. of Workforce Development

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(3) 2005 - UI TIME LAPSE STATISTICS  
 (TIME TAKEN TO ISSUE DECISIONS)

	Decisions Issued	within 45 Days	within 75 Days	Over 75 Days
January	221	97 - 44%	158 - 71%	63 - 29%
February	306	142 - 46%	198 - 65%	108 - 35%
March	201	115 - 57%	149 - 74%	52 - 26%
April	208	104 - 50%	176 - 85%	32 - 15%
May	292	141 - 48%	245 - 84%	47 - 16%
June	275	177 - 64%	228 - 83%	47 - 17%
July	235	149 - 63%	187 - 80%	48 - 20%
August	208	138 - 66%	174 - 84%	34 - 16%
September	205	124 - 60%	173 - 84%	32 - 16%
October	211	98 - 46%	174 - 82%	37 - 18%
November	270	177 - 66%	250 - 93%	20 - 7%
December	213	122 - 57%	163 - 77%	50 - 23%
	2,845	1,584 - 56%	2,275 - 80%	570 - 20%

U.S. Dept. of Labor desired level of achievement for unemployment insurance is 50% of decisions issued in 45 days and 80% issued in 75 days. (Measurement period for issuing 80% of decisions in 75 days ended in March 2005 and is no longer a DOL desired level of achievement for unemployment insurance decisions.)

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**WORKERS COMPENSATION (2005)**

(1) 2005 - NUMBER OF WC APPEALS FILED AND DECISIONS ISSUED:

	Appeals Received	Decisions Issued	
January	24	29	
February	25	34	
March	29	51	
April	25	80	
May	20	52	
June	18	44	
July	16	41	
August	31	28	
September	31	34	
October	23	22	
November	25	28	
December	23	12	
Total	290	455	108 Pending at End of Year
	24/mo.	38/mo.	

(2) 2005 -- WC DECISIONS ISSUED BY TYPE OF APPELLANT:

Total Applicant Appeals	214	(47% of all appeals)	
Affirmed (includes modifications)	131/214	-	61%
Affirmed in part/Reversed in part	23/214	-	11%
Reversed	24/214	-	11%
Remand for Approval of Compromise	18/214	-	8%
Remand for New Findings & Order	2/214	-	1%
Remand/Other	6/214	-	3%
Dismissed/no jurisdiction	2/214	-	1%
Dismissed with prejudice	2/214	-	1%
Dismissed/late petition	3/214	-	1%
Petition withdrawn	4/214	-	2%
Total Respondent Appeals	214	(47% of all appeals)	
Affirmed (includes modifications)	151/214	-	71%
Affirmed in part/Reversed in part	20/214	-	9%
Reversed	11/214	-	5%
Remand for Approval of Compromise	20/214	-	9%
Remand for New Findings & Order	4/214	-	2%
Remand/Other	2/214	-	1%
Dismissed/late petition	1/214	-	0%
Petition withdrawn	5/214	-	2%
Applicant & Respondent Appeals	29	(6% of all appeals)	
Affirmed (includes modifications)	6/29	-	21%
Affirmed in part/Reversed in part	6/29	-	21%
Reversed	5/29	-	17%
Remand for Approval of Compromise	8/29	-	28%
Remand for New Findings & Order	3/29	-	10%
Remand/Other	1/29	-	3%

## EQUAL RIGHTS (2005)

### (1) 2005 - NUMBER OF ER APPEALS FILED AND DECISIONS ISSUED:

	Appeals Received	Decisions Issued	
January	11	8	
February	11	7	
March	11	13	
April	8	12	
May	10	7	
June	11	16	
July	8	13	
August	4	18	
September	6	10	
October	9	12	
November	7	17	Pending
December	8	11	End of Year
	104	144	48
	9/mo.	12/mo.	

### (2) 2005 - ER DECISIONS BY TYPE, RESULT, AND ISSUE:

Type of Decision	Number	(%)
Affirmed	114	79%
Reversed	4	3%

Aff'd in part/Rev'd in part	1	1%
Aff'd in part/Remanded	2	1%
Dismissed	6	4%
Reversed & Remanded	4	3%
Settled/Withdrawn	6	4%
Remanded	7	5%
Total	144	

## Results:

58% of all decisions issued found no discrimination  
6% of all decisions issued found discrimination  
35% of all decisions were settlements, withdrawals,  
dismissals, or procedural decisions where no  
determination of discrimination was made by the  
commission.

## Issue:

### EMPLOYMENT -

Age	37
Retaliation	37
Handicap/Disability	36
Race	35
Sex	19
Arrest/Conviction	16
Color	7
National Origin	6
Religion	4
Ancestry	3
Marital Status	2
Creed	2
Attorney Fees	2
Sexual Orientation	1
Relief	1

(Some complaints involve more than one issue.)

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(3) 2005 - ER TIME LAPSE STATISTICS  
(TIME TAKEN TO ISSUE DECISIONS)

	Total Decisions Issued	Within 90 Days	90-180 Days	180-365 Days	Over 365 days
January	8	0 - 0%	1 - 13%	4 - 50%	3 - 38%
February	7	2 - 29%	0 - 0%	4 - 57%	1 - 14%
March	13	0 - 0%	2 - 15%	4 - 31%	7 - 54%
April	12	2 - 17%	1 - 8%	4 - 33%	5 - 42%
May	7	3 - 43%	0 - 0%	2 - 29%	2 - 29%
June	16	3 - 19%	3 - 19%	6 - 38%	4 - 25%
July	13	4 - 31%	1 - 8%	8 - 62%	0 - 0%
August	18	3 - 17%	3 - 17%	12 - 67%	0 - 0%
September	10	0 - 0%	2 - 20%	4 - 40%	4 - 40%
October	12	2 - 17%	2 - 17%	4 - 33%	4 - 33%
November	17	2 - 12%	3 - 18%	11 - 65%	1 - 6%
December	11	3 - 27%	1 - 9%	5 - 45%	2 - 18%
	144	24 - 17%	19 - 13%	68 - 47%	33 - 23%

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**EMPLOYER TAX OR LIABILITY ("Status") CASES (2005)**

Appeals received

17

Decisions issued 29

Of the 29 decisions issued, 5 (17%) were timeliness cases.

#### DECISIONS ISSUED, BY RESULT

Affirmed*	24 - 83%
Aff'd in part/Rev'd in part	1 - 3%
Remanded	1 - 3%
Dismissed	3 - 10%

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

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#### COURT STATISTICS (2005)

##### 2005 -- UNEMPLOYMENT INSURANCE (UI) COURT DECISIONS

Total UI Court Decisions	97	
Circuit Court	91	
Court of Appeals	4	
Supreme Court	2	
<u>Circuit Court Decisions</u>	91	
Affirmed LIRC	31 - 34%	
Reversed LIRC	22 - 24%	
(In favor of employer	6 - 27%)	
(Other*	16 - 73%)	
Dismissed	35 - 38%	
<u>Court of Appeals Decisions</u>	4	
Affirmed Cir.Court, Affirmed LIRC	2 - 50%	

Remanded to Circuit Court	1 - 25%
Dismissed	1 - 25%

Supreme Court Decisions 2

Petitions Denied	2 - 100%
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\* In favor of Dept. of Workforce Development;  
Trade Act group case

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2005 -- UI EMPLOYER TAX OR LIABILITY ("STATUS")  
COURT DECISIONS

Total Employer Tax or Liability Court Decisions	4	
Circuit Court		3
Court of Appeals		1

Circuit Court Decisions 3

Affirmed LIRC	2 - 67%
Dismissed	1 - 33%

Court of Appeals Decisions 2

Dismissed	1 - 100%
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2005 -- WORKERS COMPENSATION COURT DECISIONS

Total WC Court Decisions	51	
Circuit Court	41	
Court of Appeals	8	
Supreme Court	2	
<u>Circuit Court Decisions</u>	41	
Affirmed LIRC	34	- 83%
Reversed LIRC	1	- 2%
(In favor of employee	1	- 100%)
Aff'd. in part/Rev'd. in part	1	- 2%
Remand	1	- 2%
Dismissed	4	- 10%
<u>Court of Appeals Decisions</u>	8	
Aff'd Cir.Court, Aff'd LIRC	7	- 88%
Aff'd/Rev'd Cir.Court, LIRC	1	- 13%
<u>Supreme Court</u>	2	
Petitions Denied	2	- 100%

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2005 -- EQUAL RIGHTS COURT DECISIONS

Total ER Court Decisions	35
Circuit Court	22
Court of Appeals	9
Supreme Court	4

<u>Circuit Court Decisions</u>	22		
Affirmed LIRC	13	-	59%
Remand	1	-	5%
Dismissed	3	-	14%
Stipulation to Dismiss	5	-	23%
<u>Court of Appeals Decisions</u>	9		
Aff'd Cir.Court, Aff'd LIRC	5	-	56%
Rev'd. in part; Remand	1	-	11%
Dismissed	2	-	22%
Voluntary Dismissal	1	-	11%
<u>Supreme Court</u>	4		
Petitions Denied	4	-	100%

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## GENERAL (2005)

### APPEALS TO LIRC AS PERCENTAGE OF ALJ DECISIONS ISSUED

Program	ALJ Decisions Issued	Appeals to LIRC	(%)
UNEMPLOYMENT INSURANCE	21,591	2,613	12%
EMPLOYER TAX OR LIABILITY CASES	254	17	7%
WORKERS COMPENSATION	900	290	32%

\*Includes Fair Employment and Public Accommodation cases.  
Housing and Family & Medical Leave cases are not appealable to LIRC.

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COMPARISONS BETWEEN YEARS AND PROGRAMS -  
UNEMPLOYMENT INSURANCE

	Appeals Received	Decisions Issued	Appeals to Court	%
1989	2194	1916	87	5%
1990	2880	2633	42	2%
1991	3286	3250	76	2%
1992	3426	3194	83	3%
1993	3582	3656	90	2%
1994	3098	3346	74	2%
1995	2509	2704	77	3%
1996	2466	2413	53	2%
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%

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COMPARISONS BETWEEN YEARS AND PROGRAMS - STATUS

Appeals      Decisions      Appeals

	Received	Issued	to Court	%
1989	100	118	29	25%
1990	78	82	15	18%
1991	91	78	11	14%
1992	114	93	18	19%
1993	105	114	26	23%
1994	96	132	24	18%
1995	49	62	10	16%
1996	33	42	7	17%
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%

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COMPARISONS BETWEEN YEARS AND PROGRAMS -  
WORKERS COMPENSATION

	Appeals Received	Decisions Issued	Appeals to Court	%
1989	543	485	97	20%
1990	587	478	84	18%
1991	620	625	87	14%
1992	655	685	134	20%
1993	587	571	119	21%
1994	502	669	143	21%
1995	502	495	97	20%
1996	559	553	91	16%
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%

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COMPARISONS BETWEEN YEARS AND PROGRAMS - EQUAL RIGHTS

	Appeals Received	Decisions Issued	Appeals to Court	%
1989	78	71	19	27%
1990	128	92	14	15%
1991	121	119	18	15%
1992	103	113	22	19%
1993	116	115	28	24%
1994	136	152	25	16%
1995	145	148	32	22%
1996	102	131	23	18%
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%

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