

Statistics on Appeals and Decisions -- 2009

These statistics reflect case processing by LIRC in calendar year **2009**. Persons with questions about the statistics in any of these categories are encouraged to contact LIRC.

2009 LIRC STATISTICS

Unemployment Insurance

[Number of appeals and decisions issued](#)

[Decisions issued by type of appellant](#)

[Time taken to issue decisions](#)

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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[Time taken to issue decisions](#)

Employer Tax or Liability ("Status") Cases

[Number of appeals and decisions issued; results](#)

Court Cases

[Unemployment Insurance](#)

[Employer Tax or Liability \("Status"\) Cases](#)

[Workers Compensation](#)

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General - All Programs

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

UNEMPLOYMENT INSURANCE (2009)

(1) 2009 - NUMBER OF UI APPEALS FILED AND DECISIONS ISSUED:

	Appeals Filed	Decisions Issued	
January	182	246	
February	229	185	
March	285	242	
April	312	237	
May	285	228	
June	338	186	
July	285	281	
August	240	196	
September	204	215	
October	238	235	
November	243	198	
December	294	231	
Year	3,135	2,680	786* cases pending at end of year
	261/mo.	223/mo.	

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

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(2) 2009 - UI DECISIONS ISSUED BY TYPE OF APPELLANT:

Total Claimant Appeals	1,918		
Reversed in Favor of Claimant-Appellant	162/1,918	8.5%	
Total Employer Appeals	755		
Reversed in Favor of Employer-Appellant	59/755	7.8%	
Total Department Appeals	7		
Reversed in Favor of Department-Appellant	5/7	71.5%	

72% of LIRC appeals were by Claimants
28% of LIRC appeals were by Employers
less than 1% of LIRC appeals were by Dept. of Workforce Development

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(3) 2009 - UI TIME LAPSE STATISTICS (TIME TAKEN TO ISSUE DECISIONS)

	Decisions Issued	within 45 Days	within 75 Days	Over 75 Days
January	246	79 - 32%	207 - 84%	39 - 16%
February	185	104 - 56%	168 - 91%	17 - 9%
March	242	194 - 80%	226 - 93%	16 - 7%
April	237	192 - 81%	221 - 93%	16 - 7%
May	228	97 - 43%	215 - 94%	13 - 6%
June	186	73 - 39%	158 - 85%	28 - 15%
July	281	94 - 33%	193 - 69%	88 - 31%
August	196	36 - 18%	76 - 39%	120 - 61%
September	215	36 - 17%	53 - 25%	162 - 75%
October	235	27 - 11%	42 - 18%	193 - 82%

November	198	23 - 12%	33 - 17%	165 - 83%
December	231	27 - 12%	59 - 26%	172 - 74%
Year	2,680	982 - 37%	1,651 - 62%	1,029 - 38%

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

2009 - UI CASE AGING STATISTICS

	Average age of pending cases	Median
January	36	29
February	30	19
March	29	22
April	28	23
May	33	31
June	39	34
July	44	38
August	50	47
September	56	56
October	56	53
November	56	48
December	56	49
Yearly Average	43	37

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(1) 2009 - NUMBER OF WC APPEALS FILED AND DECISIONS ISSUED:

	Appeals Received	Decisions Issued	
January	30	26	
February	23	19	
March	17	24	
April	23	19	
May	8	22	
June	19	22	
July	28	24	
August	27	13	
September	27	37	
October	12	12	
November	16	17	
December	21	18	
Total	251	253	84 Pending at End of Year
	21/mo.	21/mo.	

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(2) 2009 -- WC DECISIONS ISSUED BY TYPE OF APPELLANT:

TOTAL APPEALS	253		
Total Applicant Appeals	113	(45% of all appeals)	
Affirmed (includes modifications)	69/113	-	61%
Affirmed in part/Reversed in part	9/113	-	8%
Reversed	14/113	-	12%

Remand for Approval of Compromise	4/113	-	4%
Dismissed/late petition	2/113	-	2%
Remand for New Findings & Order	2/113	-	2%
Dismissed/no jurisdiction	8/113	-	7%
Remand/Other	1/113	-	1%
Petition withdrawn	3/113	-	3%
Dismissed with prejudice	1/113	-	1%
Total Respondent Appeals	126	(50% of all appeals)	
Affirmed (includes modifications)	88/126	-	70%
Affirmed in part/Reversed in part	4/126	-	3%
Reversed	7/126	-	6%
Remand for Approval of Compromise	20/126	-	16%
Remand/Other	2/126	-	2%
Petition Withdrawn	5/126	-	4%
Applicant & Respondent Appeals	14	(6% of all appeals)	
Affirmed (includes modifications)	6/14	-	43%
Affirmed in part/Reversed in part	5/14	-	36%
Reversed	1/14	-	7%
Remand for Approval of Compromise	2/14	-	14%

NOTE: Because percentages are rounded some totals may exceed 100%

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EQUAL RIGHTS (2009)

(1) 2009 - NUMBER OF ER APPEALS FILED AND DECISIONS ISSUED:

	Appeals Received	Decisions Issued
January	6	14
February	12	7
March	7	6

April	8	6	
May	10	8	
June	7	4	
July	13	4	
August	10	8	
September	10	10	
October	17	4	
November	7	7	Pending
December	11	10	End of Year
	118	88	94
	10/mo.	7/mo.	

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(2) 2009 - ER DECISIONS BY TYPE, RESULT, AND ISSUE:

Type of Decision	Number	(%)
Affirmed	57	65%
Reversed	3	3%
Aff'd in part/Rev'd in part	1	1%
Aff'd in part/Remand in part	1	1%
Reversed & Remanded	2	2%
Remanded	6	7%
Dismissed (late petition)	7	8%
Settled/Withdrawn	11	13%
Total	88	

Results:

42% of all decisions issued found no discrimination
9% of all decisions issued found discrimination
49% of all decisions were settlements, withdrawals,

dismissals, or procedural decisions where no determination of discrimination was made by the commission.

Issue:

EMPLOYMENT

Retaliation	31
Race	22
Sex	22
Handicap/Disability	21
Age	14
Arrest/Conviction	12
Color	6
National Origin	3
Sexual Orientation	2
Creed	1
Ancestry	1
Marital Status	1
Religion	1
Use of lawful products	1
Color of Child	1

PUBLIC ACCOMMODATION 4

(Some complaints involve more than one issue.)

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(3) 2009 - ER TIME LAPSE STATISTICS
(TIME TAKEN TO ISSUE DECISIONS)

Total				
Decisions	Within	90-180	180-365	Over

	Issued	90 Days	Days	Days	365 days
January	14	1 - 7%	6 - 43%	6 - 43%	1 - 7%
February	7	1 - 14%	3 - 43%	2 - 29%	1 - 14%
March	6	2 - 33%	2 - 33%	2 - 33%	0 - 0%
April	6	1 - 17%	0 - 0%	5 - 83%	0 - 0%
May	8	2 - 25%	5 - 63%	0 - 0%	1 - 13%
June	4	3 - 75%	0 - 0%	1 - 25%	0 - 0%
July	4	1 - 25%	1 - 25%	2 - 50%	0 - 0%
August	8	3 - 38%	1 - 13%	1 - 13%	3 - 38%
September	10	4 - 40%	2 - 20%	2 - 20%	2 - 20%
October	4	1 - 25%	0 - 0%	2 - 50%	1 - 25%
November	7	3 - 43%	2 - 29%	1 - 14%	1 - 14%
December	10	3 - 30%	0 - 0%	4 - 40%	3 - 30%
	88	25 - 28%	22 - 25%	28 - 32%	13 - 15%

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EMPLOYER TAX OR LIABILITY ("Status") CASES (2009)

Appeals received	17
Decisions issued	17

DECISIONS ISSUED, BY RESULT

Affirmed*	13 - 76%
Reversed	3 - 18%
Remand	1 - 6%

* Affirmances may include commission affirmances of

ALJ dismissals of late requests for hearing.

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COURT STATISTICS (2009)

2009 -- UNEMPLOYMENT INSURANCE (UI) COURT DECISIONS

Total UI Court Decisions	89		
Circuit Court		83	
Court of Appeals		5	
Supreme Court		1	
<u>Circuit Court Decisions</u>	83		
Affirmed LIRC	41	-	49%
Reversed LIRC	2	-	2%
Remand to LIRC	3	-	3%
Dismissed	37	-	45%
<u>Court of Appeals Decisions</u>	5		
Affirmed Cir.Court, Affirmed LIRC	3	-	60%
Dismissed	2	-	40%
<u>Supreme Court Decisions</u>	1		
Petition denied	1	-	100%

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2009 -- UI EMPLOYER TAX OR LIABILITY ("STATUS") COURT DECISIONS

Total Employer Tax or Liability Court Decisions 5
Circuit Court 5

Circuit Court Decisions 5

Affirmed LIRC 2 - 40%
Remanded to LIRC 1 - 20%
Dismissed 2 - 40%

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2009 -- WORKERS COMPENSATION COURT DECISIONS

Total WC Court Decisions 48
Circuit Court 36
Court of Appeals 10
Supreme Court 2

Circuit Court Decisions 36

Affirmed LIRC 27 - 75%
Reversed 2 - 6%
Aff'd in part/Rev'd in part 1 - 3%
Remand 3 - 8%
Dismissed 3 - 8%

Court of Appeals Decisions 10

Aff'd Cir.Court, Aff'd LIRC 8 - 80%
Rev'd Cir.Court, Aff'd LIRC 1 - 10%
Rev'd Cir.Court, Rev'd LIRC 1 - 10%

<u>Supreme Court Decisions</u>	2	
Petition Denied		2 - 100%

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2009 -- EQUAL RIGHTS COURT DECISIONS

Total ER Court Decisions	16	
Circuit Court	14	
Court of Appeals	1	
Supreme Court	1	
<u>Circuit Court Decisions</u>	14	
Affirmed LIRC	9	64%
Dismissed	3	21%
Reversed/Remanded	1	7%
Settled	1	7%
<u>Court of Appeals Decisions</u>	1	
Aff'd Cir.Court, Aff'd LIRC	1	100%
<u>Supreme Court</u>	1	
Petition Denied	1	100%

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GENERAL (2009)

APPEALS TO LIRC AS PERCENTAGE OF ALJ DECISIONS ISSUED

Program	ALJ Decisions Issued	Appeals to LIRC	(%)
UNEMPLOYMENT INSURANCE	23,978	3,135	13%
EMPLOYER TAX OR LIABILITY CASES	239	17	7%
WORKERS COMPENSATION	631	251	40%
EQUAL RIGHTS	330*	118	36%

*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	2,194	1,916	87	4.6%
1990	2,880	2,633	42	1.6%
1991	3,286	3,250	76	2.3%
1992	3,426	3,194	83	2.6%
1993	3,582	3,656	90	2.5%
1994	3,098	3,346	74	2.2%
1995	2,509	2,704	77	2.9%

1996	2,466	2,413	53	2.2%
1997	2,427	2,316	60	2.6%
1998	2,378	2,363	48	2.0%
1999	2,152	2,243	40	1.8%
2000	2,034	2,054	50	2.4%
2001	2,462	2,383	49	2.1%
2002	3,133	2,806	65	2.3%
2003	3,985	3,200	57	1.8%
2004	3,473	4,327	58	1.3%
2005	2,613	2,845	84	3.0%
2006	2,305	2,303	71	3.1%
2007	2,313	2,251	47	2.1%
2008	2,475	2,473	60	2.4%
2009	3,135	2,680	92	3.4%

COMPARISONS BETWEEN YEARS AND PROGRAMS -
STATUS (EMPLOYER TAX OR LIABILITY)

	Appeals Received	Decisions Issued	Appeals 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%
2006	20	17	5	29%
2007	36	30	5	17%
2008	18	31	4	13%
2009	17	17	5	29%

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%
2006	250	282	37	13%
2007	304	263	38	14%
2008	275	306	60	20%
2009	251	253	42	17%

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%
2006	96	91	17	19%
2007	101	85	12	14%
2008	96	101	16	16%
2009	118	88	10	11%

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