

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

|           | Appeals<br>Filed | Decisions<br>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<br>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<br/>Issued</u> | <u>Within<br/>45 Days</u> | <u>Within<br/>75 Days</u> | <u>Over<br/>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<br/>Received</u> | <u>Decisions<br/>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<br>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**

|  |            |                        |
|--|------------|------------------------|
| <b>TOTAL DECISIONS - ALL APPELLANTS</b>                  | <b>155</b> |                        |
| <b>Total Applicant Appeals</b>                           | 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%                     |
| <b>Total Respondent Appeals</b>                          | 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%                     |
| <b>Total Applicant &amp; Respondent Combined Appeals</b> | 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%                    |
| <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  
2018  
EQUAL RIGHTS**

|           | <u>Appeals<br/>Received</u> | <u>Decisions<br/>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 |
|           | <hr/>                       | <hr/>                       |             |
|           | 86                          | 51                          | 77          |
|           | 7 /mo.                      | 4 /mo.                      |             |

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|                                      |    |   |     |
|--------------------------------------|----|---|-----|
| 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%.**

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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<br>Decisions<br><u>Issued</u> | Within<br><u>90 Days</u> | <u>90-180 Days</u> | <u>180-365 Days</u> | Over<br><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 |

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|                                   |      |     |
|-----------------------------------|------|-----|
| 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%  |

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### 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<br/>Issued</u> | <u>Appeals<br/>to LIRC</u> | <u>Percentage</u> |
|--|---------------------------------|----------------------------|-------------------|
| <b>UNEMPLOYMENT INSURANCE</b>          | 15,945                          | 843                        | 5%                |
| <b>EMPLOYER TAX OR LIABILITY CASES</b> | 235                             | 29                         | 12%               |
| <b>WORKERS COMPENSATION</b>            | 362                             | 133                        | 37%               |
| <b>EQUAL RIGHTS</b>                    | *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<br/>Received</u> | <u>Decisions<br/>Issued</u> | <u>Appeals<br/>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% |

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**COMPARISONS BETWEEN YEARS AND PROGRAMS**

**WORKERS COMPENSATION**

|      | <u>Appeals<br/>Received</u> | <u>Decisions<br/>Issued</u> | <u>Appeals<br/>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<br/>Received</u> | <u>Decisions<br/>Issued</u> | <u>Appeals<br/>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% |

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