

## ***Statistics on Appeals and Decisions -- 2007***

These statistics reflect case processing by LIRC in calendar year **2007**. Persons with questions about the statistics in any of these categories are encouraged to contact LIRC.

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### **2007 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](#)

[Decisions issued by type, result and issue](#)

[Time taken to issue decisions](#)

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

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

#### **Court Cases**

[Unemployment Insurance](#)

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[Workers Compensation](#)

## Equal Rights

### General - All Programs

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

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#### UNEMPLOYMENT INSURANCE (2007)

(1) 2007 - NUMBER OF UI APPEALS FILED AND DECISIONS ISSUED:

	Appeals Filed	Decisions Issued	
January	162	162	
February	155	177	
March	234	221	
April	204	172	
May	225	181	
June	199	154	
July	177	175	
August	178	226	
September	182	174	
October	233	222	
November	174	231	
December	190	156	
	2,313	2,251	358 cases pending at end of year
	192/mo.	187/mo.	

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(2) 2007 - UI DECISIONS ISSUED BY TYPE OF APPELLANT:

Total Claimant Appeals	1,574		
Reversed in Favor of Claimant-Appellant	165/1,574	10.5%	
Total Employer Appeals	673		
Reversed in Favor of Employer-Appellant	62/673	9.2%	
Total Department Appeals	4		
Reversed in Favor of Department-Appellant	2/4	50.0%	

70% of LIRC appeals were by Claimants

30% of LIRC appeals were by Employers

Less than 1% of LIRC appeals were by Dept. of Workforce Development

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(3) 2007 - UI TIME LAPSE STATISTICS  
(TIME TAKEN TO ISSUE DECISIONS)

	Decisions Issued	within 45 Days	within 75 Days	Over 75 Days
January	162	104 - 64%	143 - 88%	19 - 12%
February	177	94 - 53%	148 - 84%	29 - 16%
March	221	128 - 58%	180 - 81%	41 - 19%
April	172	121 - 70%	156 - 91%	16 - 9%
May	181	102 - 56%	166 - 92%	15 - 8%
June	154	74 - 48%	123 - 80%	31 - 20%
July	175	44 - 25%	105 - 60%	70 - 40%
August	226	30 - 13%	142 - 63%	84 - 37%
September	174	56 - 32%	136 - 78%	38 - 22%
October	222	82 - 37%	156 - 70%	66 - 30%

November	231	134 - 58%	201 - 87%	30 - 13%
December	156	88 - 56%	127 - 81%	29 - 19%
	2,251	1,057 - 47%	1,783 - 79%	468 - 21%

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

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## WORKERS COMPENSATION (2007)

(1) 2007 - NUMBER OF WC APPEALS FILED AND DECISIONS ISSUED:

	Appeals Received	Decisions Issued	
January	39	20	
February	21	30	
March	29	22	
April	20	18	
May	26	25	
June	32	15	
July	25	32	
August	32	15	
September	23	24	
October	27	18	
November	17	27	
December	13	17	
Total	304	263	117 Pending at End of Year
	25/mo.	22/mo.	

(2) 2007 -- WC DECISIONS ISSUED BY TYPE OF APPELLANT:

TOTAL APPEALS	263		
Total Applicant Appeals	121	(46% of all appeals)	
Affirmed (includes modifications)	79/121	-	65%
Affirmed in part/Reversed in part	6/121	-	5%
Reversed	16/121	-	13%
Remand for Approval of Compromise	13/121	-	11%
Remand for New Findings & Order	2/121	-	2%
Dismissed/no jurisdiction	2/121	-	2%
Petition withdrawn	3/121	-	2%
Total Respondent Appeals	125	(48% of all appeals)	
Affirmed (includes modifications)	75/125	-	60%
Affirmed in part/Reversed in part	12/125	-	10%
Reversed	4/125	-	3%
Remand for Approval of Compromise	26/125	-	21%
Remand for New Findings & Order	4/125	-	3%
Remand/Other	3/125	-	2%
Dismissed/late petition	1/125	-	1%
Applicant & Respondent Appeals	17	(6% of all appeals)	
Affirmed (includes modifications)	6/17	-	35%
Affirmed in part/Reversed in part	5/17	-	29%
Reversed	3/17	-	18%
Remand for Approval of Compromise	2/17	-	12%
Dismissed w/prejudice	1/17	-	6%

## EQUAL RIGHTS (2007)

### (1) 2007 - NUMBER OF ER APPEALS FILED AND DECISIONS ISSUED:

	Appeals Received	Decisions Issued	
January	6	8	
February	8	8	
March	15	7	
April	7	10	
May	10	8	
June	3	5	
July	13	12	
August	8	5	
September	8	6	
October	8	5	
November	4	5	Pending
December	11	6	End of Year
	101	85	69
	8/mo.	7/mo.	

### (2) 2007 - ER DECISIONS BY TYPE, RESULT, AND ISSUE:

Type of Decision	Number	(%)
Affirmed	56	66%
Reversed	2	2%

Aff'd in part/Rev'd in part	1	1%
Reversed & Remanded	6	7%
Remanded	7	8%
Dismissed (late petition)	7	8%
Dismissed (other)	1	1%
Settled/Withdrawn	5	6%
Total	85	

Results:

53% of all decisions issued found no discrimination  
 5% of all decisions issued found discrimination  
 42% of all decisions were settlements, withdrawals,  
 dismissals, or procedural decisions where no  
 determination of discrimination was made by the  
 commission.

Issue:

EMPLOYMENT -

Retaliation	30
Age	24
Race	21
Sex	20
Handicap/Disability	14
Arrest/Conviction	9
Color	6
National Origin	3
Marital Status	2
Sexual Orientation	1
Creed	1

PUBLIC ACCOMMODATIONS 4

(Some complaints involve more than one issue.)

(3) 2007 - 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	2 - 25%	4 - 50%	2 - 25%	0 - 0%
February	8	3 - 38%	1 - 13%	3 - 38%	1 - 13%
March	7	3 - 43%	2 - 29%	2 - 29%	0 - 0%
April	10	7 - 70%	0 - 0%	3 - 30%	0 - 0%
May	8	3 - 38%	2 - 25%	3 - 38%	0 - 0%
June	5	2 - 40%	0 - 0%	3 - 60%	0 - 0%
July	12	1 - 8%	3 - 25%	6 - 50%	2 - 17%
August	5	2 - 40%	0 - 0%	1 - 20%	2 - 40%
September	6	1 - 17%	2 - 33%	3 - 50%	0 - 0%
October	5	2 - 40%	1 - 20%	2 - 40%	0 - 0%
November	5	0 - 0%	0 - 0%	5 - 100%	0 - 0%
December	6	1 - 17%	2 - 33%	2 - 33%	1 - 17%
	85	27 - 32%	17 - 20%	35 - 41%	6 - 7%

**EMPLOYER TAX OR LIABILITY ("Status") CASES (2007)**

Appeals received	36
Decisions issued	30

## DECISIONS ISSUED, BY RESULT

Affirmed*	21 - 70%
Aff'd in part/Rev'd in part	1 - 3%
Withdrawn	2 - 7%
Remand	2 - 7%
Dismissed	4 - 13%

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

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## COURT STATISTICS (2007)

### 2007 -- UNEMPLOYMENT INSURANCE (UI) COURT DECISIONS

Total UI Court Decisions	54	
Circuit Court	49	
Court of Appeals	5	
<u>Circuit Court Decisions</u>	49	
Affirmed LIRC	33 - 67%	
Reversed LIRC	1 - 2%	
(In favor of employer 1 - 100%)		
Remanded to LIRC	4 - 8%	
Dismissed	11 - 22%	
<u>Court of Appeals Decisions</u>	5	
Affirmed Cir.Court, Affirmed LIRC	3 - 60%	
Rev'd Cir.Court	1 - 20%	
(Cir. Ct. remanded to LIRC)		
Rev'd Cir.Court	1 - 20%	

(Cir. Ct. rev'd in pt, aff'd in pt)

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2007 -- UI EMPLOYER TAX OR LIABILITY ("STATUS")  
COURT DECISIONS

Total Employer Tax or Liability Court Decisions	3	
Circuit Court		3
<u>Circuit Court Decisions</u>	3	
Affirmed LIRC	2	- 67%
Remanded to LIRC	1	- 33%

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2007 -- WORKERS COMPENSATION COURT DECISIONS

Total WC Court Decisions	50	
Circuit Court		35
Court of Appeals		12
Supreme Court		3
<u>Circuit Court Decisions</u>	35	
Affirmed LIRC	34	- 97%
Dismissed	1	- 3%

<u>Court of Appeals Decisions</u>	12		
Aff'd Cir.Court, Aff'd LIRC	10	-	83%
Rev'd Cir.Court, Aff'd LIRC	1	-	8%
Dismissed	1	-	8%

<u>Supreme Court Decisions</u>	3		
Aff'd Cir.Court, Aff'd LIRC*	1	-	33%
Petition Denied	2	-	67%

\* Court of Appeals certified case to Supreme Court

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## 2007 -- EQUAL RIGHTS COURT DECISIONS

Total ER Court Decisions	29		
Circuit Court	14		
Court of Appeals	8		
Supreme Court	7		

<u>Circuit Court Decisions</u>	14		
Affirmed LIRC	6	-	43%
Reversed LIRC	1	-	7%
Dismissed	6	-	43%
Voluntary Dismissal	1	-	7%

<u>Court of Appeals Decisions</u>	8		
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Aff'd Cir.Court, Aff'd LIRC	3 - 38%
Aff'd Cir.Court, Rev'd LIRC	1 - 13%
Aff'd Cir.Court dismissal	2 - 25%
Dismissed	2 - 25%

Supreme Court

7

Aff'd Ct. App., Cir.Ct, LIRC	1 - 14%
Modf'd/aff'd Ct.App, Rev'd Cir.Ct. in part, rev'd LIRC	1 - 14%
Petition Denied	5 - 71%

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**GENERAL (2007)**

APPEALS TO LIRC AS PERCENTAGE OF ALJ DECISIONS ISSUED

Program	ALJ Decisions Issued	Appeals to LIRC	(%)
UNEMPLOYMENT INSURANCE	19,859	2,313	12%
EMPLOYER TAX OR LIABILITY CASES	292	36	12%
WORKERS COMPENSATION	903	263	29%
EQUAL RIGHTS	369*	101	27%

\*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%
2006	2305	2303	71	3%
2007	2313	2251	47	2%

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COMPARISONS BETWEEN YEARS AND PROGRAMS - STATUS

	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%

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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%
2006	250	282	37	13%
2007	304	263	38	14%

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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%
2006	96	91	17	19%
2007	101	85	12	14%

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