

## ***Statistics on Appeals and Decisions -- 2008***

These statistics reflect case processing by LIRC in calendar year **2008**. Persons with questions about the statistics in any of these categories are encouraged to contact LIRC.

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### **2008 LIRC STATISTICS**

#### **Unemployment Insurance**

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#### **Workers Compensation**

[Number of appeals and decisions issued](#)

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#### **Equal Rights**

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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 (2008)

(1) 2008 - NUMBER OF UI APPEALS FILED AND DECISIONS ISSUED:

	Appeals Filed	Decisions Issued	
January	164	225	
February	196	182	
March	220	239	
April	242	173	
May	209	217	
June	172	162	
July	214	165	
August	233	198	
September	207	196	
October	240	236	
November	166	288	
December	212	192	
Year	2,475	2,473	332 cases pending at end of year
	206/mo.	206/mo.	

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(2) 2008 - UI DECISIONS ISSUED BY TYPE OF APPELLANT:

Total Claimant Appeals	1,670		
Reversed in Favor of Claimant-Appellant	159/1,670	9.5%	
Total Employer Appeals	777		
Reversed in Favor of Employer-Appellant	61/777	7.8%	
Total Department Appeals	26		
Reversed in Favor of Department-Appellant	16/26	61.5%	

68% of LIRC appeals were by Claimants  
31% of LIRC appeals were by Employers  
1% of LIRC appeals were by Dept. of Workforce Development

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(3) 2008 - UI TIME LAPSE STATISTICS (TIME TAKEN TO ISSUE DECISIONS)

	Decisions Issued	within 45 Days	within 75 Days	Over 75 Days
January	225	139 - 62%	185 - 82%	40 - 18%
February	182	120 - 66%	153 - 84%	29 - 16%
March	239	136 - 57%	175 - 73%	64 - 27%
April	173	137 - 79%	169 - 98%	4 - 2%
May	217	115 - 53%	198 - 91%	19 - 9%
June	162	84 - 52%	144 - 89%	18 - 11%
July	165	76 - 46%	124 - 75%	41 - 25%
August	198	41 - 21%	128 - 65%	70 - 35%
September	196	94 - 48%	146 - 74%	50 - 26%
October	236	91 - 39%	177 - 75%	59 - 25%
November	288	78 - 27%	217 - 75%	71 - 25%
December	192	71 - 37%	172 - 90%	20 - 10%

Year            2,473      1,182 - 48%      1,988 - 80%      485 - 20%

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.

2008 - UI CASE AGING STATISTICS

	Average age of pending cases	Median
January	42	36
February	42	24
March	27	20
April	30	23
May	31	26
June	39	33
July	38	31
August	35	30
September	38	34
October	40	32
November	37	31
December	39	29
Yearly Average	37	29

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**WORKERS COMPENSATION (2008)**

(1) 2008 - NUMBER OF WC APPEALS FILED AND DECISIONS ISSUED:

	Appeals Received	Decisions Issued	
January	35	29	
February	21	22	
March	23	26	
April	26	26	
May	20	31	
June	15	22	
July	17	20	
August	25	28	
September	34	24	
October	19	21	
November	21	26	
December	19	31	
Total	275	306	86 Pending at End of Year
	23/mo.	26/mo.	

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(2) 2008 -- WC DECISIONS ISSUED BY TYPE OF APPELLANT:

TOTAL APPEALS	306		
Total Applicant Appeals	146	(48% of all appeals)	
Affirmed (includes modifications)	84/146	-	58%
Affirmed in part/Reversed in part	13/146	-	9%
Reversed	19/146	-	13%
Remand for Approval of Compromise	15/146	-	10%
Dismissed/late petition	5/146	-	3%

Remand for New Findings & Order	4/146	-	3%
Dismissed/no jurisdiction	4/146	-	3%
Remand/Other	1/146	-	1%
Petition withdrawn	1/146	-	1%
<b>Total Respondent Appeals</b>	<b>145</b>	<b>(47% of all appeals)</b>	
Affirmed (includes modifications)	98/145	-	68%
Affirmed in part/Reversed in part	12/145	-	8%
Reversed	11/145	-	8%
Remand for Approval of Compromise	19/145	-	13%
Remand for New Findings & Order	2/145	-	1%
Remand/Other	1/145	-	1%
Dismissed/late petition	1/145	-	1%
Petition Withdrawn	1/145	-	1%
<b>Applicant &amp; Respondent Appeals</b>	<b>15</b>	<b>(5% of all appeals)</b>	
Affirmed (includes modifications)	7/15	-	47%
Affirmed in part/Reversed in part	4/15	-	27%
Reversed	2/15	-	13%
Remand for Approval of Compromise	2/15	-	13%

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## EQUAL RIGHTS (2008)

(1) 2008 - NUMBER OF ER APPEALS FILED AND DECISIONS ISSUED:

	Appeals Received	Decisions Issued
January	6	2
February	6	16
March	10	8
April	8	9

May	5	13	
June	7	7	
July	11	8	
August	11	9	
September	8	9	
October	5	9	
November	10	4	Pending
December	9	7	End of Year
	96	101	64
	8/mo.	8/mo.	

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(2) 2008 - ER DECISIONS BY TYPE, RESULT, AND ISSUE:

Type of Decision	Number	(%)
Affirmed	71	70%
Reversed	2	2%
Aff'd in part/Rev'd in part	1	1%
Reversed & Remanded	8	8%
Remanded	6	6%
Dismissed (late petition)	6	6%
Settled/Withdrawn	6	6%
Other (Relief only - new decision)	1	1%
Total	101	

Results:

45% of all decisions issued found no discrimination  
4% of all decisions issued found discrimination  
51% of all decisions were settlements, withdrawals,  
dismissals, or procedural decisions where no

determination of discrimination was made by the commission.

Issue:

EMPLOYMENT -

Retaliation	37
Handicap/Disability	31
Race	26
Sex	20
Age	19
Arrest/Conviction	17
Color	6
National Origin	5
Creed	5
Sexual Orientation	3
Ancestry	2
Marital Status	1
Religion	1
Relief only	1
Use of lawful products	1
Color of Child	1

(Some complaints involve more than one issue.)

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(3) 2008 - ER TIME LAPSE STATISTICS  
(TIME TAKEN TO ISSUE DECISIONS)

Total Decisions Issued	Within 90 Days	90-180 Days	180-365 Days	Over 365 days
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January	2	1 - 50%	0 - 0%	1 - 50%	0 - 0%
February	16	8 - 50%	1 - 6%	6 - 38%	1 - 6%
March	8	1 - 13%	0 - 0%	5 - 63%	2 - 25%
April	9	4 - 44%	1 - 11%	3 - 33%	1 - 11%
May	13	3 - 23%	1 - 8%	8 - 62%	1 - 8%
June	7	2 - 29%	1 - 14%	2 - 29%	2 - 29%
July	8	4 - 50%	2 - 25%	1 - 13%	1 - 13%
August	9	2 - 22%	0 - 0%	5 - 56%	2 - 22%
September	9	5 - 56%	0 - 0%	3 - 33%	1 - 11%
October	9	1 - 11%	1 - 11%	3 - 33%	4 - 44%
November	4	0 - 0%	0 - 0%	3 - 75%	1 - 25%
December	7	2 - 29%	0 - 0%	2 - 29%	3 - 43%
	101	33 - 33%	7 - 7%	42 - 42%	19 - 19%

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## EMPLOYER TAX OR LIABILITY ("Status") CASES (2008)

Appeals received	18
Decisions issued	31

## DECISIONS ISSUED, BY RESULT

Affirmed*	19 - 61%
Reversed	4 - 13%
Aff'd in part/Rev'd in part	1 - 3%
Remand	6 - 19%
Dismissed	1 - 3%

\* Affirmances may include commission affirmances of

ALJ dismissals of late requests for hearing.

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## COURT STATISTICS (2008)

### 2008 -- UNEMPLOYMENT INSURANCE (UI) COURT DECISIONS

Total UI Court Decisions	59		
Circuit Court		55	
Court of Appeals		4	
<u>Circuit Court Decisions</u>	55		
Affirmed LIRC		30	- 55%
Dismissed		25	- 45%
<u>Court of Appeals Decisions</u>	4		
Affirmed Cir.Court, Affirmed LIRC		2	- 50%
Dismissed		2	- 50%

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### 2008 -- UI EMPLOYER TAX OR LIABILITY ("STATUS") COURT DECISIONS

Total Employer Tax or Liability Court Decisions	5		
Circuit Court		5	
<u>Circuit Court Decisions</u>	5		
Affirmed LIRC		1	- 20%

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

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## 2008 -- WORKERS COMPENSATION COURT DECISIONS

Total WC Court Decisions	41	
Circuit Court		33
Court of Appeals		6
Supreme Court		2
<u>Circuit Court Decisions</u>	33	
Affirmed LIRC	31 - 94%	
Reversed	1 - 3%	
Dismissed	1 - 3%	
<u>Court of Appeals Decisions</u>	6	
Aff'd Cir.Court, Aff'd LIRC	5 - 83%	
Rev'd Cir.Court, Rev'd LIRC	1 - 17%	
<u>Supreme Court Decisions</u>	2	
Petition Denied	2 - 100%	

2008 -- EQUAL RIGHTS COURT DECISIONS

Total ER Court Decisions	24		
Circuit Court		13	
Court of Appeals		9	
Supreme Court		2	
<u>Circuit Court Decisions</u>		13	
Affirmed LIRC		9	69%
Dismissed		2	15%
Settled		1	8%
Voluntary Dismissal		1	8%
<u>Court of Appeals Decisions</u>		9	
Aff'd Cir.Court, Aff'd LIRC		5	56%
Aff'd Cir.Court, Rev'd LIRC		1	11%
Rev'd Cir.Court, Rev'd LIRC		1	11%
Aff'd Cir.Court dismissal		1	11%
Voluntary dismissal		1	11%
<u>Supreme Court</u>		2	
Petition Denied		2	100%

## APPEALS TO LIRC AS PERCENTAGE OF ALJ DECISIONS ISSUED

Program	ALJ Decisions Issued	Appeals to LIRC	(%)
UNEMPLOYMENT INSURANCE	19,676	2,475	13%
EMPLOYER TAX OR LIABILITY CASES	245	18	7%
WORKERS COMPENSATION	856	275	32%
EQUAL RIGHTS	368*	96	26%

\*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%
2008	2475	2473	60	2%

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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%

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%

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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%
2008	96	101	16	16%

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