

Statistics on Appeals and Decisions -- 1999

These statistics reflect case processing by LIRC in calendar year **1999**. Persons with questions about the statistics in any of these categories are encouraged to contact LIRC.

1999 LIRC STATISTICS

Unemployment Insurance

[Number of appeals and decisions issued](#)

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Workers Compensation

[Number of appeals and decisions issued](#)

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Equal Rights

[Number of appeals and decisions issued](#)

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

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Employer Tax or Liability ("Status") Cases

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Court Cases

[Unemployment Insurance](#)

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

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General - All Programs

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

UNEMPLOYMENT INSURANCE (1999)

(1) 1999 - NUMBER OF UI APPEALS FILED AND DECISIONS ISSUED:

| | Appeals Filed | Decisions Issued | |
|-----------|------------------|---------------------|---|
| January | 177 | 200 | |
| February | 183 | 208 | |
| March | 189 | 208 | |
| April | 198 | 190 | |
| May | 199 | 149 | |
| June | 185 | 134 | |
| July | 196 | 191 | |
| August | 162 | 238 | |
| September | 148 | 165 | |
| October | 161 | 182 | |
| November | 170 | 167 | |
| December | 184 | 211 | |
| | 2,152 | 2,243 | 320 cases pending at end of year* |
| | 179 /mo. | 187/mo. | |

*In August 1999, a one-time adjustment (316 cases) was made to the database to correct a programming error that did not remove cases in which final remand decisions had been issued from the pending case list.

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(2) 1999 - UI DECISIONS ISSUED BY TYPE OF APPELLANT:

Total Claimant Appeals 1,479
Reversed in Favor of Claimant-Appellant 101/1,479 6.8%

Total Employer Appeals 735
Reversed in Favor of Employer-Appellant 59/735 8.0%

Total Department Appeals 29
Reversed in Favor of Department-Appellant 15/29 51.7%

66% of LIRC appeals were by Claimants
33% of LIRC appeals were by Employers
1% of LIRC appeals were by Dept. of Workforce Development

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(3) 1999 - UI TIME LAPSE STATISTICS
(TIME TAKEN TO ISSUE DECISIONS)

| | Decisions Issued | 45 Days | 75 Days | Over 75 Days |
|-----------|---------------------|-----------|-----------|-----------------|
| January | 200 | 81 - 41% | 144 - 72% | 56 - 28% |
| February | 208 | 91 - 44% | 163 - 78% | 45 - 22% |
| March | 208 | 112 - 54% | 171 - 82% | 37 - 18% |
| April | 190 | 93 - 49% | 155 - 82% | 35 - 18% |
| May | 149 | 67 - 45% | 126 - 85% | 23 - 15% |
| June | 134 | 38 - 28% | 108 - 81% | 26 - 19% |
| July | 191 | 40 - 21% | 154 - 81% | 37 - 19% |
| August | 238 | 86 - 36% | 174 - 73% | 64 - 27% |
| September | 165 | 74 - 45% | 134 - 81% | 31 - 19% |
| October | 182 | 82 - 45% | 133 - 73% | 49 - 27% |

| | | | | |
|----------|-------|-----------|-------------|-----------|
| November | 167 | 83 - 50% | 123 - 74% | 44 - 26% |
| December | 211 | 129 - 61% | 172 - 82% | 39 - 18% |
| | 2,243 | 976 - 44% | 1,757 - 78% | 486 - 22% |

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WORKERS COMPENSATION (1999)

(1) 1999 - NUMBER OF WC APPEALS FILED AND DECISIONS ISSUED:

| | Appeals Received* | Files Received at LIRC | Decisions Issued | Pending at End of Month** |
|-----------|----------------------|------------------------------|---------------------|---------------------------------|
| January | 54 | 55 | 42 | 224 |
| February | 28 | 46 | 34 | 218 |
| March | 40 | 44 | 50 | 208 |
| April | 42 | 30 | 58 | 192 |
| May | 28 | 39 | 44 | 176 |
| June | 35 | 25 | 53 | 158 |
| July | 31 | 31 | 34 | 155 |
| August | 31 | 37 | 40 | 146 |
| September | 29 | 36 | 41 | 134 |
| October | 36 | 29 | 30 | 140 |
| November | 29 | 21 | 18 | 151 |
| December | 23 | 39 | 39 | 135 |
| Total | 406 | 432 | 483 | 135 |
| | 34/mo. | 36/mo. | 40/mo. | |

* "Appeals Received" is number of new appeals filed.

** "Pending at End of Month" is number of new appeals filed plus number of files on hand at LIRC.

(2) 1999 -- WC DECISIONS ISSUED BY TYPE OF APPELLANT:

Appeals decided on the merits:

| | | | | |
|---------------------------------|---------|---|-------|--|
| Applicant Appeals | 221 | (53% of appeals decided on the merits) | | |
| Affirmed | 191/221 | - | 86.4% | |
| Reversed | 18/221 | - | 8.1% | |
| Modified* | 12/221 | - | 5.4% | |
| Respondent Appeals | 190 | (45% of appeals decided on the merits) | | |
| Affirmed | 117/190 | - | 61.6% | |
| Reversed | 32/190 | - | 16.8% | |
| Modified* | 41/190 | - | 21.6% | |
| Applicant AND Respondent Appeal | 10 | (2% of all appeals decided on the merits) | | |
| Reversed | 1/10 | - | 10.0% | |
| Modified* | 9/10 | - | 90.0% | |
| Total decided on merits: | 421 | | | |

Appeals remanded, dismissed, withdrawn:

Remand for:

| | | | | |
|---------------------------|----|---|----|----------------|
| Approval of Compromise | 21 | - | 4% | of all appeals |
| New Findings & Order | 9 | - | 2% | " |
| Other | 11 | - | 2% | " |
| Dismissed with Prejudice | 1 | - | 0% | " |
| Dismissed/No Jurisdiction | 4 | - | 1% | " |
| Dismissed/Late Petition | 8 | - | 2% | " |
| Petition Withdrawn | 8 | - | 2% | " |

Total other appeals: 62

Total appeals:

Appeals decided on the merits: 421
Appeals remanded, dismissed, withdrawn: 62
Total: 483

* Modified--New decisions with major changes in benefits received or changes in periods of disability.

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EQUAL RIGHTS (1999)

(1) 1999 - NUMBER OF ER APPEALS FILED AND DECISIONS ISSUED:

| | Appeals Received | Decisions Issued | Pending End of Month |
|-----------|---------------------|---------------------|-------------------------|
| January | 7 | 10 | 44 |
| February | 10 | 8 | 46 |
| March | 10 | 7 | 49 |
| April | 4 | 7 | 46 |
| May | 7 | 11 | 42 |
| June | 7 | 7 | 42 |
| July | 4 | 8 | 38 |
| August | 3 | 7 | 34 |
| September | 1 | 8 | 27 |
| October | 9 | 6 | 30 |
| November | 9 | 2 | 37 |
| December | 8 | 7 | 38 |
| | 79 | 88 | 38 |
| | 7/mo. | 7/mo. | |

(2) 1999 - ER DECISIONS BY TYPE, RESULT, AND ISSUE:

| Type of Decision | Number | (%) |
|------------------------|--------|-----|
| Affirmance Decisions | 67 | 76% |
| Dismissals | 7 | 8% |
| Settled/Withdrawn | 4 | 5% |
| Reversal Decisions | 4 | 5% |
| Remand | 3 | 3% |
| Reverse & Remand | 2 | 2% |
| New decision on remedy | 1 | 1% |
| Total | 88 | |

Results:

54% of all decisions found no discrimination
11% of all decisions found discrimination
35% of all decisions were settlements, withdrawals,
dismissals, or procedural decisions where no
determination of discrimination was made.

Issue:

EMPLOYMENT -

| | |
|---------------------|----|
| Retaliation | 24 |
| Sex | 23 |
| Race | 18 |
| Handicap/Disability | 17 |
| Age | 15 |
| Arrest/Conviction | 9 |
| National origin | 5 |
| Marital Status | 1 |

| | |
|--------------------|---|
| Sexual orientation | 1 |
| Religion | 1 |
| Lawful product use | 1 |
| Licensing | 1 |
| Relief | 1 |

PUBLIC ACCOMMODATIONS 2

(Some complaints involve more than one issue.)

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(3) 1999 - ER TIME LAPSE STATISTICS
(TIME TAKEN TO ISSUE DECISIONS)

| | Total Decisions Issued | Within 90 Days | Within 180 Days | Over 180 Days |
|-----------|------------------------------|-------------------|--------------------|------------------|
| January | 10 | 1 - 10% | 2 - 20% | 7 - 70% |
| February | 8 | 4 - 50% | 1 - 13% | 3 - 38% |
| March | 7 | 0 - 0% | 6 - 86% | 1 - 14% |
| April | 7 | 4 - 57% | 1 - 14% | 2 - 29% |
| May | 11 | 1 - 9% | 6 - 55% | 4 - 36% |
| June | 7 | 1 - 14% | 5 - 71% | 1 - 14% |
| July | 8 | 2 - 25% | 5 - 63% | 1 - 13% |
| August | 7 | 2 - 29% | 3 - 43% | 2 - 29% |
| September | 8 | 0 - 0% | 4 - 50% | 4 - 50% |
| October | 6 | 0 - 0% | 3 - 50% | 3 - 50% |
| November | 2 | 0 - 0% | 0 - 0% | 2 - 100% |
| December | 7 | 3 - 43% | 2 - 29% | 2 - 29% |
| | 88 | 18 - 20% | 38 - 43% | 32 - 36% |

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EMPLOYER TAX OR LIABILITY ("Status") CASES (1999)

| | |
|-----------------------------|----|
| Appeals received | 39 |
| Decisions issued | 35 |
| Case pending at end of year | 10 |

DECISIONS ISSUED, BY TYPE

| | |
|--|----------|
| Affirmed* | 29 - 83% |
| Remand | 3 - 9% |
| Split: Affirmed in part/ reversed in part | 1 - 3% |
| Dismissed | 1 - 3% |
| Withdrawn | 1 - 3% |

Of the 35 decisions issued, 8 (23%) were timeliness cases.

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

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COURT STATISTICS (1999)

1999 -- UNEMPLOYMENT INSURANCE (UI) COURT DECISIONS

| | | |
|---------------------------------|----|----|
| Total UI Court Decisions | 40 | |
| Circuit Court | | 31 |
| Court of Appeals | | 8 |
| Supreme Court - Petition Denied | | 1 |

Circuit Court Decisions 31

| | |
|---------------------------------|----------|
| Affirmed LIRC | 15 - 48% |
| Reversed LIRC | 2 - 6% |
| (In favor of employer 2 - 100%) | |
| Remand to LIRC | 4 - 13% |
| Dismissals | 10 - 32% |

Court of Appeals Decisions 8

| | |
|-----------------------------------|---------|
| Affirmed Cir.Court, Affirmed LIRC | 6 - 75% |
| Affirmed Other | 1 - 13% |
| Withdrawn | 1 - 13% |

Supreme Court 1

| | |
|-----------------|---|
| Petition Denied | 1 |
|-----------------|---|

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1999 -- UI EMPLOYER TAX OR LIABILITY ("STATUS")
COURT DECISIONS

| | |
|------------------------------|---|
| Total Status Court Decisions | 3 |
| Circuit Court | 2 |
| Court of Appeals | 1 |
| Supreme Court | 0 |

Circuit Court Decisions 2

| | |
|---------------|---------|
| Affirmed LIRC | 1 - 50% |
| Dismissal | 1 - 50% |

Court of Appeals Decisions 1

| | |
|-----------|----------|
| Dismissal | 1 - 100% |
|-----------|----------|

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1999 -- WORKERS COMPENSATION COURT DECISIONS

| | | | |
|---------------------------------------|----|---------|-------|
| Total WC Court Decisions | 85 | | |
| Circuit Court | | 62 | |
| Court of Appeals | | 19 | |
| Supreme Court(incl. Petitions denied) | | 4 | |
| | | | |
| <u>Circuit Court Decisions</u> | 62 | | |
| Affirmed LIRC | | 51 | - 82% |
| Reversed LIRC | | 2 | - 3% |
| (In favor of employee | 2 | - 100%) | |
| Split Finding* | | 1 | - 2% |
| Remands | | 5 | - 8% |
| Dismissals | | 3 | - 5% |

* Affirmed in part/reversed in part

| | | | |
|-----------------------------------|----|----|-------|
| <u>Court of Appeals Decisions</u> | 19 | | |
| Aff'd Cir.Court, Aff'd LIRC | | 13 | - 68% |
| Aff'd Cir.Court, Dism'd | | 2 | - 11% |
| Rev'd Cir.Court, Aff'd LIRC | | 3 | - 16% |
| Rev'd Cir.Court, Rev'd LIRC | | 1 | - 5% |

| | | | |
|---|---|---|-------|
| <u>Supreme Court</u> | 4 | | |
| Rev'd Ct.App., Aff'd Cir.Court, Aff'd LIRC | | 1 | - 25% |
| Petition Denied | | 3 | - 75% |

1999 -- EQUAL RIGHTS COURT DECISIONS

| | | | |
|--------------------------------|----|----|-------|
| Total ER Court Decisions | 21 | | |
| Circuit Court | | 16 | |
| Court of Appeals | | 4 | |
| Supreme Court | | 1 | |
| | | | |
| <u>Circuit Court Decisions</u> | | 16 | |
| Affirmed LIRC | | 12 | - 75% |
| Split Finding* | | 1 | - 6% |
| Voluntary Dismissal | | 2 | - 13% |
| Dismissal | | 1 | - 6% |

*Affirmed in part/reversed in part

| | | | |
|-----------------------------------|--|---|-------|
| <u>Court of Appeals Decisions</u> | | 4 | |
| Aff'd Cir.Court, Aff'd LIRC | | 3 | - 75% |
| Rev'd Cir.Court, Aff'd LIRC | | 1 | - 25% |

| | | | |
|----------------------|--|---|--------|
| <u>Supreme Court</u> | | 1 | |
| Petition denied | | 1 | - 100% |

GENERAL (1999)

APPEALS TO LIRC AS PERCENTAGE OF ALJ DECISIONS ISSUED

| Program | ALJ Decisions Issued | Appeals to LIRC | (%) |
|---------------------------------|-------------------------|--------------------|-----|
| UNEMPLOYMENT INSURANCE | 18,026 | 2,152 | 12% |
| EMPLOYER TAX OR LIABILITY CASES | 293 | 39 | 13% |
| WORKERS COMPENSATION | 1,106 | 406 | 37% |
| EQUAL RIGHTS | 243* | 79 | 33% |

*Approximate number of Equal Rights decisions appealable to LIRC. Decisions appealable include employment and public accommodation cases finding discrimination, no discrimination, no probable cause, and decisions which are administratively closed by the department (i.e., dismissal for failure to appear at hearing, failure to respond to department correspondence, dismissal for lack of jurisdiction, etc.) Fair Housing cases in which discrimination is alleged to have occurred after 9/92 and Family & Medical Leave decisions are not appealable to the Commission.

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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% |

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% |

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% |

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% |

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