

**LABOR AND INDUSTRY REVIEW COMMISSION
2016
UNEMPLOYMENT INSURANCE**

	<u>Appeals Filed</u>	<u>Decisions Issued</u>	
January	119	140	
February	111	192	
March	137	94	
April	119	110	
May	116	89	
June	123	97	
July	115	129	
August	124	136	
September	135	128	
October	110	108	
November	129	93	
December	<u>82</u>	<u>132</u>	
	1420	1448	Pending End of Year
	118 /mo.	120 /mo.	179

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

Decisions Issued by Type of Appellant:

Total Claimant Appeals	1205	
Reversed in Favor of Claimant	70	6%
Total Employer Appeals	241	
Reversed in Favor of Employer	26	11%
Total Department Appeals	2	
Reversed	2	100%

83% of LIRC appeals were by Claimants
17% of LIRC appeals were by Employers
0% of LIRC appeals were by Dept. of Workforce Development

<u>LIRC Rulings:</u>	Affirmed	50%
	Modified & Affirmed	16%
	Affirmed in part/Reversed in part	1%
	Reversed	6%
	Remanded	15%
	Dismissed	12%
	Withdrawn	1%

NOTE: Due to rounding, total may not equal 100%.

**2016
UI TIME LAPSE STATISTICS**

	<u>Decisions Issued</u>	<u>Within 45 Days</u>	<u>Within 75 Days</u>	<u>Over 75 Days</u>
January	140	11 - 8%	80 - 57%	60 - 43%
February	192	57 - 30%	163 - 85%	29 - 15%
March	94	44 - 47%	84 - 89%	10 - 11%
April	110	61 - 55%	99 - 90%	11 - 10%
May	89	46 - 52%	77 - 87%	12 - 13%
June	97	23 - 24%	58 - 60%	39 - 40%
July	129	68 - 53%	106 - 82%	23 - 18%
August	136	58 - 43%	81 - 60%	55 - 40%
September	128	59 - 46%	80 - 63%	48 - 38%
October	108	69 - 64%	88 - 81%	20 - 19%
November	93	43 - 46%	74 - 80%	19 - 20%
December	132	61 - 46%	107 - 81%	25 - 19%
	<u>1448</u>	600 - 41%	1097 - 76%	351 - 24%

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	36	34
February	29	25
March	26	22
April	30	31
May	40	36
June	40	30
July	50	40
August	42	34
September	33	26
October	38	31
November	43	33
December	54	39
Yearly Average	38	31

**LABOR AND INDUSTRY REVIEW COMMISSION
2016
WORKERS COMPENSATION**

	<u>Appeals Received</u>	<u>Decisions Issued</u>	
January	18	15	
February	27	23	
March	22	12	
April	6	22	
May	27	16	
June	14	19	
July	21	18	
August	17	17	
September	14	21	
October	7	13	
November	12	12	
December	<u>17</u>	<u>11</u>	
	202	199	107 Pending at End of Year*
	17 /mo.	17 /mo.	

*Pending counts prior to 2015 reflected number of files pending at LIRC.

**LABOR AND INDUSTRY REVIEW COMMISSION
2016
WORKERS COMPENSATION**

DECISIONS ISSUED BY TYPE OF APPELLANT

TOTAL DECISIONS - ALL APPELLANTS	199	
Total Applicant Appeals	103	- 52% (of all appeals)
Affirmed (includes modifications)	72 /103	- 70%
Affirmed in part/Reversed in part	2 /103	- 2%
Reversed	8 /103	- 8%
Remand for Approval of Compromise	7 /103	- 7%
Remand for New Findings & Order	1 /103	- 1%
Dismissed/no jurisdiction	8 /103	- 8%
Petition withdrawn	2 /103	- 2%
Late	3 /103	- 3%
Total Respondent Appeals	93	- 47% (of all appeals)
Affirmed (includes modifications)	36 /93	- 39%
Affirmed in part/Reversed in part	13 /93	- 14%
Reversed	18 /93	- 19%
Remand for Approval of Compromise	21 /93	- 23%
Petition withdrawn	1 /93	- 1%
Remand for New Findings & Order	1 /93	- 1%
Dismissed/no jurisdiction	2 /93	- 2%
Dismissed/prejudice	1 /93	- 1%
Total Applicant & Respondent Combined Appeals	3	- 2% (of all appeals)
		-
Affirmed (includes modifications)	2 /3	- 67%
Remanded for approval of compromise	1 /3	- 33%
		-
Appeal by Wis. Supplemental Benefit Fund	0	- 0% (of all appeals)
		-

NOTE: Due to rounding, total may not equal 100%.

**LABOR AND INDUSTRY REVIEW COMMISSION
2016
EQUAL RIGHTS**

	<u>Appeals Received</u>	<u>Decisions Issued</u>	
January	1	4	
February	10	2	
March	3	8	
April	4	5	
May	18	7	
June	8	7	
July	2	4	
August	6	7	
September	6	8	
October	4	5	
November	4	4	Pending
December	<u>6</u>	<u>3</u>	End of Year
	72	64	30
	6 /mo.	5 /mo.	

Affirmed	22	-	34%
Modified & Affirmed	23	-	36%
Reversed	2	-	3%
Remanded	4	-	6%
Affirm in part/reverse in part	0	-	0%
Reverse in part/remand	1	-	2%
Modify in part/remand	0	-	0%
Dismissed (late petition; no juris.)	9	-	14%
Settled/Withdrawn	3	-	5%

NOTE: Due to rounding, total may not equal 100%.

55% of all decisions issued found no discrimination.

6% of all decisions issued found discrimination.

39% of all decisions were settlements, withdrawals, dismissals, or procedural decisions where no determination of discrimination was made by the commission.

EQUAL RIGHTS TIME LAPSE

	Total Decisions <u>Issued</u>	Within <u>90 Days</u>	<u>90-180 Days</u>	<u>180-365 Days</u>	Over <u>365 Days</u>
January	4	1 - 25%	1 - 25%	1 - 25%	1 - 25%
February	2	1 - 50%	1 - 50%	0 - 0%	0 - 0%
March	8	5 - 63%	2 - 25%	0 - 0%	1 - 13%
April	5	5 - 100%	0 - 0%	0 - 0%	0 - 0%
May	7	7 - 100%	0 - 0%	0 - 0%	0 - 0%
June	7	7 - 100%	0 - 0%	0 - 0%	0 - 0%
July	4	4 - 100%	0 - 0%	0 - 0%	0 - 0%
August	7	7 - 100%	0 - 0%	0 - 0%	0 - 0%
September	8	8 - 100%	0 - 0%	0 - 0%	0 - 0%
October	5	5 - 100%	0 - 0%	0 - 0%	0 - 0%
November	4	4 - 100%	0 - 0%	0 - 0%	0 - 0%
December	3	1 - 33%	2 - 67%	0 - 0%	0 - 0%
	64	55 - 86%	6 - 9%	1 - 2%	2 - 3%

EQUAL RIGHTS DECISIONS BY ISSUE

EMPLOYMENT

Retaliation	11
Handicap/Disability	9
Race	17
Age	11
Sex	7
Arrest/Conviction	5
National Origin	0
Creed	0
Color	2
Religion	1
Marital Status	1
Relief only	0
Lawful Products	1
Military Status	0

PUBLIC ACCOMMODATION 6

(Some complaints involve more than one issue.)

**LABOR AND INDUSTRY REVIEW COMMISSION
2016
UNEMPLOYMENT INSURANCE EMPLOYER TAX OR LIABILITY CASES**

Appeals Received	42
Decisions Issued	57

Affirmed*	6 - 11%
Modified & Affirmed*	21 - 37%
Reversed	5 - 9%
Affirmed in part/Reversed in part	4 - 7%
Remand	8 - 14%
Dismissed	6 - 11%
Withdrawn	7 - 12%

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

NOTE: Due to rounding, total may not equal 100%.

2016 COURT STATISTICS

UNEMPLOYMENT INSURANCE

Total UI Court Decisions	65
Circuit Court	41
Court of Appeals	24
Supreme Court	0
<u>Circuit Court Decisions</u>	41
Affirmed LIRC	20 - 49%
Reversed LIRC	1 - 2%
Remand to LIRC	1 - 2%
Dismissed	19 - 46%
<u>Court of Appeals Decisions</u>	24
Affirmed Circuit Court, Affirmed LIRC	11 - 46%
Affirmed Other	6 - 25%
Reversed Circuit Court, Reversed LIRC	1 - 4%
Dismissed	6 - 25%
<u>Supreme Court Decisions</u>	0

EMPLOYER TAX OR LIABILITY

Total Employer Tax or Liability Court Decisions	3
Circuit Court	2
Court of Appeals	1
Supreme Court	0
<u>Circuit Court Decisions</u>	2
Affirmed LIRC	2 - 100%
<u>Court of Appeals Decisions</u>	1
Affirmed LIRC and Circuit Court	1 - 100%
<u>Supreme Court Decisions</u>	0

2016 COURT STATISTICS

WORKERS COMPENSATION

Total WC Court Decisions	37	
Circuit Court	27	
Court of Appeals	9	
Supreme Court	1	
 <u>Circuit Court Decisions</u>	 27	
Affirmed LIRC	22 -	81%
Dismissed	0 -	0%
Reverse in part/affirm in part	1	4%
Remand to LIRC	3	11%
Reverse LIRC	1	4%
 <u>Court of Appeals Decisions</u>	 9	
Affirmed Circuit Court, Affirmed LIRC	7 -	78%
Reversed Circuit Court, Reverse LIRC	1 -	11%
Reversed Circuit Court, Affirm LIRC	1	11%
 <u>Supreme Court Decisions</u>	 1	
Petition denied; Affirm Court of Appeals, Circuit Court, LIRC	1	100%

2016 COURT STATISTICS

EQUAL RIGHTS

Total ER Court Decisions	19
Circuit Court	12
Court of Appeals	7
Supreme Court	0
<u>Circuit Court Decisions</u>	12
Affirmed LIRC	5 - 42%
Dismissed	5 - 42%
Reversed LIRC	1 - 8%
Remand to LIRC	1 - 8%
<u>Court of Appeals Decisions</u>	7
Affirmed Circuit Court, Affirmed LIRC	5 - 71%
Dismissed	2 - 29%
<u>Supreme Court</u>	0

2016

<u>Program</u>	<u>ALJ Decisions Issued</u>	<u>Appeals to LIRC</u>	<u>Percentage</u>
UNEMPLOYMENT INSURANCE	18,532	1,420	8%
EMPLOYER TAX OR LIABILITY CASES	368	42	11%
WORKERS COMPENSATION	341	202	59%
EQUAL RIGHTS	*273	72	26%

* 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 Received</u>	<u>Decisions Issued</u>	<u>Appeals 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%

* 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%

* Number of "cases" appealed to court; some cases include multiple hearing numbers.

COMPARISONS BETWEEN YEARS AND PROGRAMS

WORKERS COMPENSATION

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

EQUAL RIGHTS

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