

**LABOR AND INDUSTRY REVIEW COMMISSION
2023
UNEMPLOYMENT INSURANCE**

	Appeals Filed	Decisions Issued	
January	124	177	
February	93	157	
March	113	129	
April	116	86	
May	100	122	
June	120	119	
July	109	75	
August	101	94	
September	89	102	
October	85	79	
November	99	103	
December	84	75	
	1233	1318	Pending End of Year
	102 /mo.	109 /mo.	169

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

Decisions Issued by Type of Appellant:

Total Claimant Appeals	1147		
Reversed in Favor of Claimant	108	9%	
Total Employer Appeals	171		
Reversed in Favor of Employer	7	4%	
Total Department Appeals	0		

87% of LIRC appeals were by Claimants
13% of LIRC appeals were by Employers
0% of LIRC appeals were by Dept. of Workforce Development

<u>LIRC Rulings:</u>	Affirmed	43%
	Modified & Affirmed	15%
	Affirmed in part/Reversed in part	2%
	Reversed	7%
	Remanded	14%
	Dismissed	18%
	Withdrawn	1%

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

**2023
UI TIME LAPSE STATISTICS**

	<u>Decisions Issued</u>	<u>Within 45 Days</u>	<u>Within 75 Days</u>	<u>Over 75 Days</u>
January	177	47 - 27%	110 - 62%	67 - 38%
February	157	78 - 50%	131 - 83%	26 - 17%
March	129	70 - 54%	109 - 84%	20 - 16%
April	86	52 - 60%	82 - 95%	4 - 5%
May	122	54 - 44%	113 - 93%	9 - 7%
June	119	58 - 49%	111 - 93%	8 - 7%
July	75	13 - 17%	60 - 80%	15 - 20%
August	94	4 - 4%	83 - 88%	11 - 12%
September	102	11 - 11%	70 - 69%	32 - 31%
October	79	9 - 11%	55 - 70%	24 - 30%
November	103	10 - 10%	65 - 63%	28 - 37%
December	<u>75</u>	<u>3 - 4%</u>	<u>53 - 71%</u>	<u>22 - 29%</u>
	1318	409 31%	1042 79%	276 21%

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	36
February	26	21
March	22	22
April	22	20
May	26	21
June	20	18
July	28	28
August	32	31
September	34	31
October	36	33
November	33	28
December	38	33
Yearly Average	29	28

**LABOR AND INDUSTRY REVIEW COMMISSION
2023
WORKERS COMPENSATION**

	<u>Appeals Received</u>	<u>Decisions Issued</u>	
January	9	6	
February	7	9	
March	4	7	
April	16	13	
May	14	10	
June	15	10	
July	10	3	
August	7	7	
September	14	4	
October	9	4	
November	13	10	
December	<u>3</u>	<u>10</u>	
	121	93	25 Pending at End of Year*
	10 /mo.	8 /mo.	

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

**LABOR AND INDUSTRY REVIEW COMMISSION
2023
WORKERS COMPENSATION**

DECISIONS ISSUED BY TYPE OF APPELLANT

TOTAL DECISIONS - ALL APPELLANTS	116	
Total Applicant Appeals	66	- 57% (of all appeals)
Affirmed (includes modifications)	31	- 47%
Affirmed in part/Reversed in part	6	- 9%
Reversed	12	- 18%
Remand for Approval of Compromise	5	- 8%
Remand for New Findings & Order	0	- 0%
Dismissed/no jurisdiction	6	- 9%
Petition withdrawn	2	- 3%
Dismissed with prejudice	0	0%
Late	2	- 3%
Remand (other)	2	3%
Total Respondent Appeals	43	- 37% (of all appeals)
Affirmed (includes modifications)	24	- 56%
Affirmed in part/Reversed in part	2	- 5%
Reversed	2	- 5%
Remand for Approval of Compromise	10	- 23%
Petition withdrawn	2	- 5%
Remand for New Findings & Order	1	- 2%
Dismissed/no jurisdiction	2	- 5%
Dismissed/prejudice	0	- 0%
Remand (other)	0	0%
Total Applicant & Respondent Combined Appeals	7	- 6% (of all appeals)
Reversed	0	- 0%
Affirmed in part/Reversed in part	2	29%
Affirmed (includes modiciations)	3	43%
Remand for Approval of Compromise	2	29%
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
2023
EQUAL RIGHTS**

	<u>Appeals Received</u>	<u>Decisions Issued</u>	
January	2	4	
February	4	3	
March	3	4	
April	5	7	
May	6	6	
June	2	4	
July	11	3	
August	5	6	
September	5	7	
October	6	9	
November	2	5	Pending
December	1	4	End of Year
	52	62	51
	4 /mo.	5 /mo.	

Affirmed	40	-	65%
Modified & Affirmed	2	-	3%
Reversed	3	-	5%
Remanded	8	-	13%
Affirm in part/reverse in part	2	-	3%
Reverse in part/remand	0	-	0%
Modify in part/remand	0	-	0%
Dismissed (late petition; no juris.)	3	-	5%
Settled/Withdrawn	4	-	6%

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

40% of all decisions issued found no discrimination.
3% of all decisions issued found discrimination.
57% of all decisions were settlements, withdrawals, dismissals, or procedural decisions where no determination of discrimination was made by the commission.

2023 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	0 -	0%	1	25%	0 -	0%	3 -	75%
February	3	0 -	0%	1 -	33%	0 -	0%	2 -	66%
March	4	0 -	0%	2 -	50%	0	0%	2 -	50%
April	7	0 -	0%	2 -	29%	0 -	0%	5 -	71%
May	6	0	0%	1 -	17%	0 -	0%	5 -	83%
June	4	0 -	0%	1 -	25%	0 -	0%	3 -	75%
July	3	0 -	0%	2 -	66%	0 -	0%	1	33%
August	6	0 -	0%	4 -	67%	0 -	0%	2 -	33%
September	7	1 -	14%	1 -	14%	0 -	0%	5 -	71%
October	9	1 -	11%	2 -	22%	0 -	0%	6 -	67%
November	5	2 -	40%	1 -	20%	0 -	0%	2 -	40%
December	4	0 -	0%	3 -	75%	0 -	0%	1 -	25%
	62	4 -	6%	21 -	34%	0 -	0%	37 -	60%

EQUAL RIGHTS DECISIONS BY ISSUE

EMPLOYMENT

Retaliation	12
Handicap/Disability	7
Race	8
Age	8
Sex	6
Arrest/Conviction	6
National Origin	2
Pregnancy	0
Color	3
Religion	1
Marital Status	0
Genetic testing	0
Lawful Products	0
Military Status	0

PUBLIC ACCOMMODATION 2

(Some complaints involve more than one issue.)

**LABOR AND INDUSTRY REVIEW COMMISSION
2023
UNEMPLOYMENT INSURANCE EMPLOYER TAX OR LIABILITY CASES**

Appeals Received	21
Decisions Issued	41

Affirmed*	10 -	24%
Modified & Affirmed*	15 -	37%
Reversed	2 -	5%
Affirmed in part/Reversed in part	1 -	2%
Remand	7 -	17%
Dismissed	5 -	12%
Withdrawn	1 -	2%
Late PCR	0 -	0%

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

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

2023 COURT STATISTICS

UNEMPLOYMENT INSURANCE

Total UI Court Decisions	72	
Circuit Court	69	
Court of Appeals	3	
Supreme Court	0	
<u>Circuit Court Decisions</u>	69	
Affirmed LIRC	25	36%
Reversed LIRC	3	4%
Remand to LIRC	0	0%
Dismissed	41	59%
Withdrawn	0	0%
<u>Court of Appeals Decisions</u>	3	
Affirmed Circuit court, reversed LIRC and LIF	1	33%
Reversed Circuit Court and LIRC	0	0%
Dismissed	2	67%
Affirmed (pther)	0	0%
<u>Supreme Court Decisions</u>	0	
	0	0%

EMPLOYER TAX OR LIABILITY

Total Employer Tax or Liability Court Decisions	2	
Circuit Court	2	100%
Court of Appeals	0	0%
Supreme Court	0	0%
<u>Circuit Court Decisions</u>	2	
Affirmed LIRC	2	100%
Reversed LIRC	0	0%
Dismissed	0	0%
Withdrawn	0	0%
<u>Court of Appeals Decisions</u>	0	
Affirmed	0	0%
Dismissal	0	0%
<u>Supreme Court Decisions</u>	0	
Affirmed Appeals Court	0	0%

2023 COURT STATISTICS

WORKERS COMPENSATION

Total WC Court Decisions	8
Circuit Court	7
Court of Appeals	1
Supreme Court	0
 <u>Circuit Court Decisions</u>	 7
Affirmed LIRC	2 - 29%
Dismissed	1 - 14%
Remand to LIRC	4 - 57%
Reverse LIRC	0 - 0%
Affirm/Reverse LIRC	0 - 0%
 <u>Court of Appeals Decisions</u>	 1
Affirmed Circuit Court, Affirmed LIRC	0 - 0%
Reverse Circuit Court, Affirm LIRC	1 100%
Dismissed	0 0%
 <u>Supreme Court Decisions</u>	 0
Affirm Court of Appeals, Circuit Court and LIRC	0 0%
Petition Denied	0 0%
Remanded for Compromise consideration	0 0%

2023 COURT STATISTICS

EQUAL RIGHTS

Total ER Court Decisions	3
Circuit Court	2
Court of Appeals	1
Supreme Court	0
<u>Circuit Court Decisions</u>	2
Affirmed LIRC	1 - 50%
Reverse	0 - 0%
Dismissed	1 - 50%
<u>Court of Appeals Decisions</u>	1
Reverse Circuit Court and Affirm LIRC	1 - 100%
<u>Supreme Court</u>	0

2023

<u>Program</u>	<u>ALJ Decisions Issued</u>	<u>Appeals to LIRC</u>	<u>Percentage</u>
UNEMPLOYMENT INSURANCE	22,460	1,233	5%
EMPLOYER TAX OR LIABILITY CASES	229	21	9%
WORKERS COMPENSATION	468	121	26%
EQUAL RIGHTS	237	52	22%

* 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%
2017	1055	993	24	2%*
2018	1021	1016	33	3%*
2019	843	977	31	3%*
2020	1254	1017	26	3%*
2021	3372	2102	41	2%*
2022	2377	3553	90	3%*
2023	1233	1318	61	5%

* 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%
2020	156	165	2	1%
2021	11	2	2	100%
2022	31	14	0	0%
2023	21	41	2	5%

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%
2017	181	160	30	19%
2018	125	175	24	14%
2019	133	155	24	15%
2020	79	117	20	17%
2021	60	52	4	8%
2022	74	80	7	8%
2023	121	93	15	16%

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%
2017	93	61	10	16%
2018	63	83	8	10%
2019	86	51	8	16%
2020	41	53	11	21%
2021	42	53	4	8%
2022	58	51	10	20%
2023	52	62	8	13%