

Appeal Rights
For actions filed in circuit court on or after August 1, 2016

**Appealing an Unemployment Insurance decision of the
Labor and Industry Review Commission to a Wisconsin circuit court**

**You may appeal the commission decision to a Wisconsin circuit court. Read the decision carefully.
If you need this information translated to another language, please contact us at (608) 266-9850.
The commission has translation services available to respond to telephone calls.**

Unemployment Benefit Status - Disputed Benefit Claims:

If the decision allows benefits, the benefits will be paid, or continue to be paid, even though a party commences an action for judicial review. Wis. Stat. § 108.09(9)(a).

If the decision denies benefits, the claimant must continue to file claims for any weeks for which benefits are sought pending further appeal.

Commencing Legal Review of a Commission Decision:

Any party or the Department of Workforce Development may begin a legal action for review of the commission decision in a Wisconsin circuit court within 30 days after the date of the commission decision. Wis. Stat. §§ 108.09(7)(a) and (c)1.

The action is commenced only by filing a summons and a complaint with a circuit court in Wisconsin and serving authenticated summonses and complaints upon the commission.

An authenticated summons is a summons that has first been stamped by the clerk of court with the date the document was filed and the case number. An authenticated summons and a complaint, taken together, are considered "authenticated pleadings." There is no filing fee for filing an administrative agency review action.

The action must name the commission and the Department of Workforce Development as defendants. Every other party to the proceedings before the commission (generally all other parties listed in the caption of the commission decision) must also be made a defendant. **If a plaintiff fails to name either the department or the commission as defendants, the court shall dismiss the action.**

Both the filing of the summons and the complaint with the court and service of authenticated pleadings must be completed within 30 calendar days of the decision date. Service must be made upon a commissioner of the Labor and Industry Review Commission or an agent authorized by the commission to accept service.

Service upon the commission is considered complete service on all parties but you must provide as many authenticated pleadings as there are defendants. Wis. Stat. § 108.09(7)(c)3. For example, in a benefit claim involving an employer and employee, service must be made on the commission of three authenticated copies of the summons and the complaint, one for the commission, one for the Department of Workforce Development, and one for the employer or employee.

The case must be filed in the circuit court of the Wisconsin county where the plaintiff resides, except:

- If the plaintiff is the Department of Workforce Development, the proceedings must be in the circuit court of the Wisconsin county where a defendant other than the commission resides.
- The proceedings may be brought in any Wisconsin circuit court if all parties appearing in the case agree, or if the court, after notice and a hearing, so orders.
- For other circumstances, including the situation where the plaintiff is not a resident of Wisconsin, venue shall be as set forth in Wis. Stat. § 801.50 *et seq.*

The complaint must state the grounds upon which review is sought, or the reasons for the appeal.

The judicial review provisions in Wis. Stat. ch. 227 (Administrative Procedure), § 801.02 (Civil Procedure), and ch. 799 (Small Claims) do not apply.

The commissioners and authorized agents are located only in Madison at the address listed below. **If the authenticated pleadings are mailed to the commission, service will only be effective if they are actually received by the commission within the appeal period (30 days). It is not sufficient for the appeal to be postmarked by the due date.** Service by facsimile (FAX) is not sufficient to commence a court action.

For delivery by private carrier or service in person: Labor and Industry Review Commission 3319 West Beltline Highway, 2 West Madison WI 53713	For delivery by U.S. Postal Service: Labor and Industry Review Commission P.O. Box 8126 Madison WI 53708
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It is the responsibility of the appealing party to arrange for preparation of the necessary legal documents since neither the commission nor its representatives may assist in such preparation. A copy of these appeal rights and answers to frequently asked questions (FAQs) are available at <http://lirc.wisconsin.gov/uihowtoappeal.htm>.