

Appeal Rights

Appealing a Worker's Compensation 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.**

Commencing Legal Review of a Commission Decision

Any party aggrieved by the commission decision may begin a legal action for review of the commission decision in circuit court. The action must be commenced within 30 calendar days from the date of the commission decision. **Such action is commenced only by filing a summons and complaint with the circuit court *and* serving an authenticated copy of the summons and of the complaint upon the commission, all within 30 calendar days from the date of the commission decision.**

- Service must be made upon a commissioner of the Labor and Industry Review Commission or an agent authorized by the commission to accept service.
- The commissioners and authorized agents are located only in Madison at the address listed below. **Service upon the commission shall be deemed complete service on all parties but there shall be left with the commissioner or authorized agent so served as many copies of the summons and complaint as there are defendants.** Wis. Stat. § 102.23(1)(a). **The pleadings may be mailed to the commission, but the service will only be effective if the pleadings are actually received by the commission within the appeal period.** Service by facsimile (FAX) transmission 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
Phone: (608) 266-9850

For delivery by U.S. Postal Service:

Labor and Industry Review Commission
P.O. Box 8126
Madison, WI 53708
Phone: (608) 266-9850

- The complaint shall state the grounds upon which review is sought.
- Any aggrieved party or parties appealing the commission decision must be named as the plaintiff or plaintiffs.
- The action must name as defendants: (1) the commission, and (2) all persons identified as a person who must be made a party to the action in the commission decision for which review is sought.

The proceedings shall be in the circuit court of the county where the plaintiff resides. Exceptions:

- If the plaintiff is a state agency, the proceedings shall be in the circuit court of the county where the defendant resides.
- For other circumstances, including the situation where the plaintiff is a nonresident of Wisconsin, venue shall be as set forth in Wis. Stat. § 801.50, *et seq.*

The proceedings may be brought in any circuit court if all parties stipulate and that court agrees.

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

It is the responsibility of the appealing party to arrange for preparation of the necessary legal documents since neither the commission nor its representatives can assist in such preparation. A copy of these appeal rights and answers to frequently asked questions (FAQs) are available at <http://lirc.wisconsin.gov/wchowtoappeal.htm>.