

## Appeal Rights

### Appealing a Fair Employment 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.**

A party aggrieved by a final commission decision is entitled to judicial review in circuit court. **Legal proceedings for judicial review of the decision must be commenced within 30 calendar days of the date of the decision. Judicial review proceedings are commenced by:**

- **Filing a petition for judicial review with the clerk of the circuit court for the county where the judicial review proceedings are to be held:**
  - The party appealing the commission decision must be named as the petitioner and the Labor and Industry Review Commission must be named as the respondent.
  - The petition for judicial review must state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds upon which review is sought.
  - The proceedings must be in the circuit court of the county where the petitioner resides, except that, if the petitioner is a state agency, the proceedings must be in the circuit court of the county where the respondent resides. If the petitioner is a nonresident of the state, the proceedings must be in the county where the dispute arose. The proceedings may be transferred to any circuit court if the parties so stipulate and that court agrees.
  - The petition for judicial review must be received and filed with the court within 30 calendar days of the date of the commission decision. *It is not sufficient for the petition to be postmarked to the circuit court within 30 calendar days of the commission decision.*
  - The circuit court may charge a filing fee.

**and**

- **Serving a copy of the petition for judicial review, either by certified mail or personally, upon the Labor and Industry Review Commission** at the following address:

For delivery by **certified mail** through the U.S. Postal Service (service by certified mail is complete upon mailing):

Labor and Industry Review Commission  
P. O. Box 8126  
Madison, WI 53708

For **service in person** (service must be completed within 30 calendar days from the date of the commission decision):

Labor and Industry Review Commission  
3319 West Beltline Highway, 2 West  
Madison, WI 53713

**In addition, copies of the petition for judicial review must be served upon all other parties who appeared before the commission in the case no later than 30 calendar days after filing the petition for judicial review with the clerk of the circuit court and serving the commission with a copy of the petition, even though they are not named as parties for purposes of the judicial review.** *Note that even if the proceeding is commenced properly by filing the petition for judicial review with the circuit court and serving a copy of the petition upon the commission within 30 calendar days from the date of the commission decision, the judicial review proceeding may be dismissed if copies of the petition are not also timely served upon all parties to the administrative proceeding.*

- This means the complainant(s) and respondent(s) whose names and addresses appear in the heading or caption of the commission decision must be served with copies of the petition for judicial review. The copies must be served on these parties or their attorneys of record:
  - personally;
  - by certified mail; or
  - when service is timely admitted in writing, by first class mail.

*See, Wis. Stat. §§ 227.52 and 227.53.*

**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/erhowtoappeal.htm>.