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**WISCONSIN COURT OF APPEALS**

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**DISTRICT I**

March 31, 2011

*To:*

Hon. William Sosnay  
Circuit Court Judge  
Milwaukee County Courthouse  
901 N. 9th St.  
Milwaukee, WI 53233

John Barrett  
Clerk of Circuit Court  
Room G-8  
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Milwaukee, WI 53233

William S. Sample  
Labor & Industry Review Commission  
P.O. Box 8126  
Madison, WI 53708-8126

APB Security, LLC  
P.O. Box 90155  
Milwaukee, WI 53209

Aaron Winters  
3228 North 15th Street  
Milwaukee, WI 53206-2243

You are hereby notified that the Court has entered the following opinion and order:

2010AP2051

Aaron Winters v. Labor and Industry Review Commission  
(L.C. #2009CV20135)

Before Fine, Kessler and Brennan, JJ.

Aaron D. Winters, *pro se*, appeals from an order of the circuit court, which affirmed a decision of the Labor and Industry Review Commission. Winters previously filed two unacceptable appellant's briefs. The first brief was not assembled and failed to comply with WIS. STAT. RULE 809.19 (2009-10).<sup>1</sup> The second brief—a single copy submitted by facsimile—was similarly non-compliant with briefing rules. By order dated March 11, 2011, we advised Winters why that brief could not be accepted, including the fact that the brief may not be filed by facsimile. *See* WIS. STAT. RULE 809.80(3)(b). We cautioned Winters that he must properly file

<sup>1</sup> All references to the Wisconsin Statutes are to the 2009-10 version unless otherwise noted.

and serve the brief, and that “[f]ailure to file a compliant brief and appendix may result in dismissal or summary affirmance of the appeal.” On March 25, 2011, Winters submitted a third non-compliant brief—a single copy via facsimile—directly contrary to our March 11 order. We now conclude summary disposition is appropriate in this case and we summarily affirm the order. *See Wis. Stat. Rules 809.21(1) & 809.83(2).*

Winters was initially denied unemployment compensation after it was determined he had been terminated from APB Security for the misconduct of yelling at an office manager and threatening a supervisor. An administrative law judge—who held a hearing at which Winters, the office manager, and the supervisor testified—and the Commission affirmed the determination that Winters had been terminated for misconduct and was therefore not entitled to unemployment benefits. Winters sought review from the circuit court, which affirmed the Commission.

The Commission’s determination of whether conduct constitutes misconduct is entitled to great weight deference. *Bunker v. LIRC*, 2002 WI App 216, ¶26, 257 Wis. 2d 255, 650 N.W.2d 864. In the absence of fraud or a lack of a support by substantial and credible evidence, the Commission’s factual findings are binding on this court. *DILHR v. LIRC*, 155 Wis. 2d 256, 262, 456 N.W.2d 162 (Ct. App. 1990). We may not substitute our judgment for the Commission’s as to the weight of the evidence. *Kannenberg v. LIRC*, 213 Wis. 2d 373, 385, 571 N.W.2d 165 (Ct. App. 1997). “The burden of establishing that the agency’s interpretation is unreasonable is on the party seeking to overturn the agency’s decision; the agency does not have to justify its interpretation.” *Bunker*, 257 Wis. 2d 255, ¶26. The Commission adopted the administrative law judge’s factual finding that Winters had been “discharged for misconduct connected with the work for the employer.”

Winters' entire argument is that he "disagrees" with the court's decision to deny him unemployment benefits, and that he feels he is "entitled" to unemployment compensation. However, Winters makes no attempt to show that the Commission's decision was in any way unreasonable. In light of the standard of review, we can find no basis for upsetting the Commission's decision.

Therefore,

IT IS ORDERED that the order is summarily affirmed.

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*A. John Voelker*  
*Acting Clerk of Court of Appeals*