

Department of Workforce Development
Unemployment Insurance Division
Bureau of Legal Affairs
201 E. Washington Ave., Rm. E300
Madison, WI 53703
Telephone: (608) 266-0399
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Scott Walker, Governor
Raymond Allen, Secretary

December 21, 2017

To: National Security and Investigations LLC
E870 State Road 54
Waupaca, WI 54981

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

Legislative Reference Bureau
One East Main Street, Suite 200
Madison, WI 53703

Re: In the matter of employer liability of National Security and Investigations LLC,
UI Hearing No. S1500384AP

PLEASE TAKE NOTICE that the Wisconsin Department of Workforce Development (Department), under Wis. Stat. § 108.10(7)(b), has chosen to nonacquiesce in the decision of the Labor and Industry Review Commission (Commission) dated December 6, 2017, identified above, Hearing No. S1500384AP, a copy of which is attached to this notice, and requests that the Legislative Reference Bureau obtain publication of this Notice in the Wisconsin Administrative Register as provided by section 108.10(7)(b). Although the decision is binding on the parties to the case, the Commission's conclusions of law, the rationale and construction of the statutes in the case are not binding on the Department in other cases.

Department of Workforce Development

A handwritten signature in black ink, appearing to read "Daniel J. LaRocque".

Daniel J. LaRocque
Attorney
Department of Workforce Development
201 E Washington Avenue, E300
P.O. Box 8942
Madison, WI 53708-8942

State of Wisconsin



Labor and Industry Review Commission

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BUREAU OF
LEGAL AFFAIRS

NATIONAL SECURITY &
INVESTIGATIONS LLC
Employer

Unemployment Insurance
Contribution Liability
Decision¹

Hearing No.S1500384AP

Dated and Mailed:

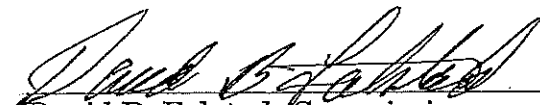
DEC 06 2017

The commission modifies and **affirms** the appeal tribunal decision. Accordingly, the employer is not required to pay the department for benefits improperly paid to its former employee as a result of that employee's concealment of work and wages, and the employer is not liable for penalties relating to that employee's acts of concealment.

By the Commission:


Georgia E. Maxwell, Chairperson


Laurie R. McCallum, Commissioner


David B. Falstad, Commissioner

¹ **Appeal Rights:** See the blue enclosure for the time limit and procedures for obtaining judicial review of this decision. If you seek judicial review, you must name the following as defendants in the summons and the complaint: the Labor and Industry Review Commission, all other parties in the caption of this decision or order (the boxed section above), and the Department of Workforce Development. Appeal rights and answers to frequently asked questions about appealing an unemployment insurance decision to circuit court are also available on the commission's website <http://lirc.wisconsin.gov>.

Procedural Posture

This case is before the commission to consider whether the employer aided and abetted a former employee in committing one or more acts of concealment. An appeal tribunal of the Unemployment Insurance Division of the Department of Workforce Development (department) held a hearing and issued a decision finding that the employer did not aid and abet the employee in committing any acts of concealment. The department filed a timely petition for commission review.

The commission has considered the petition and the positions of the parties, and it has independently reviewed the evidence submitted at the hearing. Based on its review, the commission makes its own findings of fact and conclusions of law as follows:

Findings of Fact and Conclusions of Law

1. The employer, National Security & Investigations, LLC, is a small business that provides armed and unarmed security services.
2. One of the employer's employees was Robert S. Wierzba, III, who began working for the employer in August 2012. Wierzba worked as an armed security officer and as the business's operations manager. He earned \$14 per hour.
3. There were instances during Wierzba's employment when the employer could not pay his wages on time.² Customers would sometimes pay the business 30 to 45 days after a job was completed. When checks would come in for different jobs, Wierzba would then get paid shortly thereafter.³
4. In January through April 2014, the employer's business was slow, and Wierzba worked irregularly. During that four-month period, Wierzba worked in excess of 32 hours only twice: in weeks 7 and 16 of 2014. Otherwise, he averaged about 12 hours of work per week. In some weeks, he did not work at all.⁴
5. Because business was slow, the employer told Wierzba that he should file for unemployment benefits.⁵ The employee had filed for benefits in the past.⁶
6. When work was steady, Wierzba would turn in his time sheets every week.⁷ When work was slow, Wierzba did not submit his time sheets to the employer at regular intervals.⁸ He would hold on to his time sheets, sometimes for a week and sometimes for four weeks.⁹

² T. 22:14-23, 38:10-17, 41:1-2, 53:13-15.

³ T. 31:5-9, 47:11-13, 50:16-23.

⁴ Ex. D2.

⁵ Tr. 19:21-20:2, 21:9-22, 35:22-25, 36:5-8, 46:24, 49:20, 72:9, 79:11, 79:20; Ex. D1.

⁶ Ex. D1, p. 1.

⁷ T. 76:19-22.

⁸ T. 41:25-42:4, 50:5-7.

⁹ T. 31:3-4, 40:22-41:2, 61:11-17.

7. Wierzba filed claims for unemployment benefits for weeks 2 through 17 of 2014 (January 5 through April 26).¹⁰
8. Wierzba worked and earned wages in weeks 2 through 4, 7, and 9 through 17 of 2014. He did not report that work or those wages on his weekly claim certifications.¹¹
9. Wierzba did not report his work or wages "due to the fact that [he] was not getting paid."¹² Wierzba reasoned that, if he was not receiving a paycheck, he could claim unemployment,¹³ and he "needed [his] unemployment to live on."¹⁴
10. The employer did not tell Wierzba to lie on his claim certifications by reporting that he had not worked and had not earned wages.¹⁵
11. Wierzba never heard the employer tell other workers to file for unemployment benefits while working.¹⁶
12. Wierzba was aware of one other worker who filed for benefits in January through April 2014.¹⁷ That worker reported to the department that he worked for and earned wages from the employer during that time period.¹⁸
13. The employer owed Wierzba back wages in the early months of 2014, although the employer compensated Wierzba in ways other than by issuing him a paycheck.¹⁹ The employer gave Wierzba a canoe,²⁰ bought Wierzba's wife a car, gave Wierzba cash, and allowed Wierzba to use the employer's debit card and drive a company vehicle.²¹
14. Wierzba submitted his written resignation to the employer on August 8, 2014, indicating that he needed steady work.²²
15. After he submitted his resignation, Wierzba filed a complaint with the Department of Workforce Development, Equal Rights Division, Bureau of Labor Standards, seeking payment for hours that he worked in January, February, March, and April 2014.²³

¹⁰ Wierzba also filed claims for later weeks, but those weeks are not at issue in this case.

¹¹ T. 36:5-21.

¹² T. 36:12-22; Ex. D1, p. 2.

¹³ Ex. D1, p. 1.

¹⁴ Ex. D1, p. 2.

¹⁵ T. 36:23-25, 37:5-20, 46:21-23.

¹⁶ T. 34:16-19, 35:6-9.

¹⁷ T. 34:20-35:9, 35:25-36:3.

¹⁸ Ex. D3.

¹⁹ T. 38:10-40:18.

²⁰ T. 28:8-10.

²¹ T. 38:21-40:18; Ex. D6, p. 1.

²² Ex. D6, p. 1.

²³ T. 41:17-20; Ex. D6, p. 1.

16. Wierzba did not report to the Bureau of Labor Standards that he had received compensation in forms other than a paycheck for some of the hours that he worked in those months.²⁴
 17. The Bureau of Labor Standards worked out a settlement between the employer and Wierzba that took into account the alternate forms of compensation the employee received from the employer.²⁵
 18. As part of the settlement, the employer paid Wierzba gross wages of \$1,036 in back pay for January through April of 2014, which, at Wierzba's wage rate of \$14 per hour, equates to 18.5 hours of work per month.²⁶
 19. Also as part of the settlement, the employer paid \$92 toward Wierzba's child support obligation.²⁷ Wierzba was behind in paying child support.²⁸
 20. After the settlement, the employer notified the department that Wierzba had worked and earned wages during the first four months of 2014 that Wierzba did not report.²⁹
 21. After the settlement, Wierzba did not, for a second time, notify the department that he had performed work and earned wages from the employer in 2014.³⁰
-
22. The department investigated the matter and issued a determination finding that Wierzba concealed work performed and wages earned on his claim certifications for weeks 2 through 4, 7, and 9 through 17 of 2014.
 23. Wierzba did not contest the determination or the associated penalties.
 24. The department also issued a determination finding that the employer aided and abetted Wierzba in committing acts of concealment. The employer was required to pay \$9,320 to the department – an amount equal to the amount of benefits improperly paid to Wierzba – plus a penalty.³¹
 25. The department had not issued prior aiding and abetting determinations against the employer.

²⁴ T. 41:21-42:4.

²⁵ Ex. D6, p. 1;

²⁶ $\$1,036 \div \$14 \text{ per hour} \div 4 \text{ months} = 18.5 \text{ hours per month.}$

²⁷ Ex. D4, pp.4-5.

²⁸ T. 33:4-16.

²⁹ T. 58:24-59:18; Ex. D1, p. 1; D6, p.4.

³⁰ Wierzba also failed to report in later weeks that he was not able and available for work, that he had missed work that the employer had available for him, and that he had worked and earned wages in May 2014. Ex. D1, p. 2. In addition, Wierzba did not list the employer when he opened a new claim in 2015 and was directed to report all past employers. Ex. D1, p. 3.

³¹ An employing unit is required to forfeit \$500 for each single act of concealment that the employing unit aids and abets or attempts to aid and abet a claimant to commit occurring before the date of the first determination that the employing unit has so acted. Wis. Stat. § 108.04(11)(c)1.

26. The employer had received from the department weekly unemployment insurance reserve fund balance statements during the first four months of 2014. The statements showed that the employer's account was being charged the following amounts for Wierzba: \$186 per week for benefits and \$46 per week for child support.³²
27. The employer did not think anything was strange about the amount of benefits paid to Wierzba, because the employer knew that "people can work and collect partial unemployment."³³
28. The employer believed that the amounts paid to Wierzba reflected partial benefits. The employer had personally filed for unemployment insurance benefits in the past, and his full weekly benefit amount was greater than \$360.³⁴
29. The employer knew that Wierzba was asked each week when he filed his claims for benefits if he had worked, earned wages, or received any compensation. The employer also knew that Wierzba had worked during the first four months of 2014, but Wierzba did not turn in his time sheets at regular intervals.³⁵
30. The employer felt that it was Wierzba's responsibility to answer the claim questions correctly. The employer also felt that it was not the employer's responsibility to "double check."³⁶
31. The employer, National Security & Investigations, LLC, did not aid and abet Robert S. Wierzba III, a former employee, in committing one or more acts of concealment under Wis. Stat. § 108.04(11)(c).
32. The employer, National Security & Investigations, LLC, is not required to pay the department for benefits improperly paid to its former employee as a result of that employee's concealment of work and wages, and the employer is not liable for penalties relating to that employee's acts of concealment.

Memorandum Opinion

The issue in this case is whether the employer aided and abetted, or attempted to aid and abet, Robert S. Wierzba III, a former employee, in committing multiple acts of concealment.

In early 2014, the employer told Wierzba to file for benefits because business was slow. Wierzba filed for benefits beginning in week 2 of 2014. Although Wierzba worked and earned wages in weeks 2 through 4, 7, and 9 through 17 of 2014, he did

³² Ex. D3.

³³ T. 45:7-16, 70:4-6, 80:2-3.

³⁴ T. 45:11-16, 46:7-16, 48:4-12, 48:24-49:9, 52:4-10, 55:18-56:12, 58:11-23, 80:5-10.

³⁵ T. 47:3-11.

³⁶ T. 36:5-25, 48:12-21, 62:4-16.

not report that work or those wages on his weekly claim certifications. Wierzba admitted that he had concealed work and wage information from the department and explained that he needed his unemployment benefits "to live on."

For unemployment insurance purposes, "conceal" means to intentionally mislead or defraud the department by withholding or hiding information or making a false statement or misrepresentation³⁷ when applying for or claiming unemployment insurance benefits. Any employer that aids and abets a claimant in committing, or attempts to aid and abet in committing, one or more acts of concealment may be required to forfeit an amount equal to the amount of benefits the claimant improperly received as a result of the concealment. In addition, the employer is penalized between \$500 and \$1,500 for each single act of concealment.³⁸

The elements of aiding and abetting are not set forth in the unemployment insurance law. However, a person is liable in a civil action for aiding and abetting if: (1) the person undertakes conduct that as a matter of objective fact aids another person in the commission of an unlawful act; and (2) the person consciously desires or intends that his conduct will yield such assistance."³⁹ Intent is therefore an essential element of an aiding and abetting claim. "Mere presence, with no effort to prevent unlawful conduct, is not aiding and abetting unless an intent to assist is communicated."⁴⁰

Thus, to prove that an employer aided and abetted a claimant in committing, or attempted to aid and abet in committing, one or more acts of concealment, the department must show more than a mere suspicion or conjecture that there was an agreement between an employer and a claimant to conceal work, wages, or a material fact. The department must also show that the employer consciously intended to help the claimant obtain benefits for which the claimant was not eligible and to which the claimant was not entitled.

In its petition for review, the department argued that evidence in the record establishes that the employer aided and abetted Wierzba in committing multiple acts of concealment. The commission is not persuaded.

At the hearing and in its brief, the department argued that the employer admitted that Wierzba was told to file for unemployment benefits because the employer was behind in paying wages. The department's argument mischaracterizes the evidence in the record. Rather, the evidence establishes that the employer told Wierzba to file for benefits because business was slow.⁴¹ The employer never told Wierzba not to report that he was working, the employer never told Wierzba not to report the

³⁷ Wis. Stat. § 108.04(11)(g). Effective April 3, 2016, the definition of concealment changed slightly. The word "defraud" was removed from the statute. Because the department issued its determination in this matter on September 18, 2015, the former definition of concealment applies.

³⁸ Wis. Stat. § 108.04(11)(c).

³⁹ *Winslow v. Brown*, 125 Wis. 2d 327, 336, 990, 371 N.W.2d 417 (1985).

⁴⁰ *Id.* at 336-37.

⁴¹ Tr. 19:21-20:2, 21:9-22, 35:22-25, 36:5-8, 46:24, 49:20, 72:9, 79:11, 79:20.

number of hours that he worked, and the employer never told Wierzba not to report how much he thought he had earned in wages.

The department also mischaracterized the amount of work Wierzba performed for the employer in 2014, repeatedly referring to it as "substantial."⁴² During the weeks at issue, Wierzba worked 32 or more hours in a week twice; in week 7, when he worked 33 hours and in week 16, when he worked 44.5 hours. Outside of those two weeks, Wierzba averaged 12 hours per week. In some weeks, Wierzba did not work at all.

The record shows that the department's initial finding of aiding and abetting was based on the adjudicator's impression that the employer instructed Wierzba not to report hours and wages to the department when filing for unemployment benefits.⁴³ The employer clearly told Wierzba to file for benefits while work was slow, but there is no objective evidence in the record that an agreement existed between the employer and Wierzba to conceal work and wages from the department.

The department tacitly agreed in its brief to the commission that the existence of an agreement was not proven. It argued that "the most reasonable inference based on the facts in the record is certainly that [the employer] encouraged Wiersba (*sic*) to file unemployment benefit claims under circumstances where [the employer] was aware ... that Wiersba (*sic*) not only was working in substantial amounts but could not have been accurately reporting that work and related earnings." Yet, as outlined earlier, merely raising an inference that the employer aided and abetted Wierzba's acts of concealment is insufficient as a matter of objective fact that aiding and abetting occurred.

The department further argued that the employer's "instruction to Wiersba (*sic*) to withhold his time sheets is consistent only with the notion that [the employer] could later maintained (*sic*) that he did not understand the extent of Wierzba's earnings."⁴⁴ However, it was not established that the employer told Wierzba to hold his time sheets from January through April 2014, if at all.

The employer denied telling Wierzba to hold his time sheets, although the employer admitted that there were often delays in paying wages. Customers would wait 30 to 45 days after a job was completed to pay the employer. When checks from customers came in, Wierzba would be paid shortly thereafter for hours that he worked. The administrative law judge asked Wierzba how often he submitted time sheets in the period January through April 2014, and Wierzba's response was evasive. Wierzba answered, "*When we were working steady*, it was every week that I would turn them in."⁴⁵ However, Wierzba and his co-workers were not working steady in early 2014, which is why they were filing for unemployment insurance benefits. Furthermore, Wierzba acknowledged that, by filing a complaint with the Labor

⁴² *Department's brief*, pp. 6, 8, 10.

⁴³ T. 70:23-72:20.

⁴⁴ *Department's brief*, pp. 10-11.

⁴⁵ T. 76:19-22.

Standards Bureau after he quit his employment with the employer, he was trying to claim additional hours *that were not reported at regular intervals*.⁴⁶ Finally, he acknowledged that, after the alternate forms of compensation he received in 2014 became an issue, he went back to his time sheets – the “*time sheets submitted after [he] resigned*.”⁴⁷

Under the facts in this case, the commission finds that the most reasonable inference to draw is that Wierzba intentionally withheld his time sheets in January, February, March, and April 2014 because it was to his advantage to do so. It was Wierzba's understanding, or justification, that he could claim unemployment benefits because he was not getting a paycheck.⁴⁸ The unemployment benefits Wierzba received provided him with money “to live on”⁴⁹ and satisfied, at least in part, his child support obligation. Later, after he quit his employment with the employer, Wierzba attempted to get paid for the hours listed on his time sheets, which had not been previously submitted, by filing a complaint with the state.

The employer unquestionably could have been more diligent in analyzing its unemployment insurance reserve fund balance statements, but the fact that the employer failed to do so does not prove that the employer willingly assisted Wierzba in concealing work and wage information from the department. The employer did not know how partial benefits are calculated and believed that any weekly amount less than \$360 was a partial benefit. Wierzba's co-worker claimed unemployment benefits during the first four months of 2014, and he reported working for and earning wages from the employer. There is no sound reason why the employer would aid and abet Wierzba in concealing work and wages from the department while, at the same time, allowing Wierzba's co-worker to report work and wage information to the department.

There is insufficient evidence in the record to support a finding that the employer aided and abetted, or attempted to aid and abet, a claimant in committing one or more acts of concealment. Therefore, the commission affirms the appeal tribunal decision.

NOTE: The commission agreed with the result reached by the appeal tribunal but rewrote the decision to reflect the commission's own findings of fact and conclusions of law.

cc: ATTY DANIEL J. LAROCQUE
PO BOX 8942
MADISON WI 53708

⁴⁶ T. 41:17-42:4 (emphasis added).

⁴⁷ T. 40:19-21.

⁴⁸ Ex. D1, p. 1.

⁴⁹ Ex. D1, p. 2.

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

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>.

Derechos de apelación

Para las acciones presentadas en el tribunal de circuito el 1 de agosto de 2016 o después

APPEAL RIGHTS FOR ACTIONS FILED IN CIRCUIT COURT ON OR AFTER AUGUST 1, 2016

Apelación de una decisión de Seguro de Desempleo de la Comisión de Revisión de Trabajo e Industria ante un Tribunal de Circuito de Wisconsin

APPEALING AN UNEMPLOYMENT INSURANCE DECISION OF THE LABOR AND INDUSTRY REVIEW COMMISSION
TO A WISCONSIN CIRCUIT COURT

Puede apelar la decisión de la Comisión a un tribunal de circuito de Wisconsin. Lea la decisión con detenimiento.
Si necesita esta información traducida a otro idioma, sírvase comunicarse con nosotros al (608) 266-9850.
La comisión posee servicios de traducción disponibles para responder a llamados telefónicos.

Estado de los beneficios de desempleo - Reclamos de beneficios disputados:

Si la decisión permite beneficios, los beneficios se pagarán, o se seguirán pagando, aunque una parte inicie una acción de revisión judicial. Wis. Stat. § 108.09(9)(a).

Si la decisión deniega los beneficios, el reclamante debe continuar presentando reclamos por las semanas por las que se desea obtener beneficios hasta que se haga la apelación.

Inicio de la revisión legal de una decisión de la comisión:

Toda parte o el Department of Workforce Development puede iniciar una acción legal de revisión de la decisión de la comisión en un tribunal de circuito de Wisconsin dentro de los 30 días posteriores a la fecha de la decisión de la comisión. Wis. Stat. §§ 108.09(7)(a) y (c)1.

La acción solo se inicia presentando una citación y una denuncia ante un tribunal de circuito de Wisconsin y entregando las citaciones y denuncias autenticadas a la comisión. Una citación autenticada es una citación que primero ha sido sellada por el secretario del tribunal con la fecha en que el documento fue presentado y el número de causa. Una citación autenticada y una denuncia, tomadas juntas, se consideran "alegatos autenticados". No hay cargo por presentación de una acción de revisión de una agencia administrativa.

La acción debe designar a la comisión y al Department of Workforce Development como los demandados. Toda otra parte del procedimiento ante la comisión (por lo general todas las demás partes indicadas en la leyenda de la decisión de la comisión) también debe ser un demandado. Si una parte actora no designa al departamento o a la comisión como los demandados, el juez desestimará la acción.

Tanto la presentación de la citación como de la denuncia ante el tribunal y la entrega de los alegatos autenticados deben ser completados dentro de los 30 días calendario de la fecha de la decisión. La entrega debe realizarse a un comisionado de la

Comisión de Revisión de Trabajo e Industria (Labor and Industry Review Commission) o a un representante autorizado por la comisión para aceptar la entrega.

La entrega a la comisión se considera completa a todas las partes pero usted debe proporcionar tantos alegatos autenticados como demandados haya. Wis. Stat. § 108.09(7)(c)3. Por ejemplo, en un reclamo de beneficios que involucra a un empleador y a un empleado, se debe entregar a la comisión tres copias autenticadas de la citación y de la denuncia, una para la comisión, una para el Department of Workforce Development y una para el empleador o empleado.

La causa se debe presentar en el tribunal de circuito del condado de Wisconsin en el que reside la parte actora, excepto:

- Si la parte actora es el Department of Workforce Development, los procedimientos se llevarán a cabo en el tribunal de circuito del condado de Wisconsin en el que reside un demandado que no sea la comisión.
- Los procedimientos se pueden iniciar en cualquier tribunal de circuito de Wisconsin si todas las partes que comparecen en la causa están de acuerdo o si el juez así lo ordena, después de una notificación y audiencia.
- En otras circunstancias, incluida la situación en la que la parte actora no es residente de Wisconsin, la jurisdicción se establecerá según lo indicado en Wis. Stat. § 801.50 *et seq.*

La denuncia debe indicar los motivos por los que se busca la revisión, o las razones de la apelación.

Las disposiciones de la revisión judicial de Wis. Stat. ch. 227 (Procedimiento administrativo), § 801.02 (Procedimiento civil) y ch. 799 (Menor cuantía) no rigen.

Los comisionados y los representantes autorizados están ubicados únicamente en Madison en la dirección indicada abajo. Si los alegatos autorizados son enviados por correo a la comisión, la entrega sólo será efectiva si son recibidos por la comisión dentro del periodo de apelación (30 días). No es suficiente que la apelación contenga un sello postal previo a la fecha de vencimiento. La entrega por transmisión por facsímil (FAX) no es suficiente para iniciar una acción judicial.

Para entrega por empresa de correo privado o en persona:
Labor and Industry Review Commission
3319 West Beltline Highway, 2 West
Madison WI 53713

Para entrega por U.S. Postal Service:
Labor and Industry Review Commission
P.O. Box 8126
Madison WI 53708

Es responsabilidad de la parte apelante arreglar la preparación de los documentos legales necesarios, ya que ni la comisión ni sus representantes pueden asistir en tal preparación. Una copia de estos derechos de apelación y respuestas a las preguntas frecuentes (FAQs) están disponibles en <http://lirc.wisconsin.gov/uihowtoappeal.htm>.