

1971 Senate Bill 652

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**CHAPTER 147, Laws of 1971**

AN ACT to repeal 108.09 (6) (d) and (e); and to create 108.09 (2n), (7) (c) and (9) of the statutes, relating to unemployment compensation, and the unemployment reserve fund.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 108.09 (2n) of the statutes is created to read:

108.09 (2n) TRANSFER TO APPEAL TRIBUNAL. At any time before a deputy's determination under sub. (2) or (2m) has been issued to the parties, such deputy may transfer the proceedings on the claim to an appeal tribunal.

SECTION 2. 108.09 (6) (d) and (e) of the statutes are repealed.

SECTION 3. 108.09 (7) (c) and (9) of the statutes are created to read:

108.09 (7) (c) If, as a result of judicial review of a commission decision denying an employe's eligibility for benefits, it is finally determined that benefits are payable, they shall be calculated as of the date of the commission's decision.

(9) PAYMENT OF BENEFITS. (a) Benefits shall be paid promptly in accordance with a deputy's determination or the decision of an appeal tribunal, the commission or a reviewing court, notwithstanding the pendency of the period to request a hearing, to file a peti-

tion for commission review or to commence judicial action or the pendency of any such hearing, review or action.

(b) Where such determination or decision is subsequently amended, modified or reversed by a more recently issued determination or decision, benefits shall be paid or denied in accordance with the most recently issued determination or decision.

(c) If any determination or decision awarding benefits is finally amended, modified or reversed, any benefits paid to the claimant which would not have been paid under such final determination or decision shall be deemed an erroneous payment. Sections 108.16 (2m) and (3) and 108.22 (8) shall apply to the charging and recovery of such erroneous payment.

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