

Chapter LIRC 3

WORKER'S COMPENSATION

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LIRC 3.01 Petitions. (1) A petition for commission review of the findings or order of a department of industry, labor and human relations' hearing examiner shall be received within 21 days from the date of mailing of the findings and order to the parties and during regular office hours by an employe of either the worker's compensation division or job service division of the department at:

(a) The central administrative office of the worker's compensation division, room 152, 201 East Washington Avenue, P.O. Box 7901, Madison, Wisconsin 53707, or

(b) The worker's compensation division, room 390, 819 North Sixth Street, Milwaukee, Wisconsin 53203, or

(c) Any job service office.

History: Cr. Register, March, 1981, No. 303, eff. 4-1-81; am. (1) (intro.) and (a), r. (2), Register August, 1982, No. 320, eff. 9-1-82.

LIRC 3.02 Set aside. If the commission sets aside the findings and order of the hearing examiner, it shall forthwith notify the opposing party who shall have 10 days from the date of notice in which to make an answer. The commission may extend the time for filing answer for another 10 days if it is satisfied that a party in interest has been prejudiced because of exceptional delay in the receipt of a copy of any findings and order.

History: Cr. Register, March, 1981, No. 303, eff. 4-1-81.

LIRC 3.03 Briefs. One brief may be filed by each party with its petition or answer but not thereafter unless permitted by the commission.

History: Cr. Register, March, 1981, No. 303, eff. 4-1-81.

LIRC 3.04 Transcripts. Transcripts of testimony at hearings conducted by hearing examiners of the worker's compensation division, department of industry, labor and human relations, may be requested and obtained from the worker's compensation division of the department, according to s. Ind 80.14, Wis. Adm. Code. The commission may direct the preparation of a transcript for the purpose of commission review if a satisfactory showing is made by any party that the synopsis of testimony prepared by the hearing examiner of the department of industry, labor and human relations is not sufficiently complete and accurate to reflect the relevant and material testimony and other evidence taken.

History: Cr. Register, March, 1981, No. 303, eff. 4-1-81; am. Register, August, 1982, No. 320, eff. 9-1-82.

Register, August, 1982, No. 320

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LIRC 3.05 Other petitions. The provisions of s. 102.18, Stats., shall apply to all petitions to the commission under ss. 40.65 (2), 56.07 (7), 56.21 and 66.191, Stats.

History: Cr. Register, March, 1981, No. 303, eff. 4-1-81; am. Register, August, 1982, No. 320, eff. 9-1-82.

LIRC 3.06 Compromise settlements. Compromise settlements of worker's compensation claims are solely within the jurisdiction of the worker's compensation division, department of industry, labor and human relations, according to s. 102.16, Stats., and s. Ind 80.03, Wis. Adm. Code.

History: Cr. Register, March, 1981, No. 303, eff. 4-1-81.

LIRC 3.07 Judicial review. Judicial review of any commission decision shall be commenced in the manner and upon the grounds specified in s. 102.23, Stats., and not under ch. 227 or s. 801.02, Stats. Service of the summons and complaint shall be made upon a commissioner or agent authorized by the commission to accept service. Service may be made at room 453, 201 East Washington Avenue, P.O. Box 8126, Madison, Wisconsin 53708. The labor and industry review commission and the adverse party shall be made defendants. The adverse party is the one in whose favor the commission's order or award was made.

History: Cr. Register, March, 1981, No. 303, eff. 4-1-81.