

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, job service division or unemployment compensation division of the department at:

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

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

(c) Any job service office or unemployment compensation 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; am. Register, January, 1985, No. 349, eff. 2-1-85.

LIRC 3.02 Answer and set aside. (1) A party opposing the petition may file an answer to a petition for commission review with the worker's compensation division of the department of industry, labor and human relations within 21 days from the opposing party's receipt of a copy of the petition.

(2) If an answer has not been filed under sub. (1), the commission may, prior to its final order or award, set aside the findings and order of the hearing examiner, in which case it shall notify the party opposing the petition who shall have 10 days from the date of notice in which to make an answer.

History: Cr. Register, March, 1981, No. 303, eff. 4-1-81; r. and recr. Register, January, 1985, No. 349, eff. 2-1-85.

LIRC 3.03 Briefs. History: Cr. Register, March, 1981, No. 303, eff. 4-1-81; r. Register, January, 1985, No. 349, eff. 2-1-85.

LIRC 3.03 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. 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; renum. from LIRC 304, Register, January, 1984, No. 349, eff. 2-1-85.

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LIRC 3.04 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) and 56.21, Stats.

History: Cr. Register, March, 1981, No. 303, eff. 4-1-81; am. Register, August, 1982, No. 320, eff. 9-1-82; renum. from LIRC 3.05 and am. Register, January, 1985, No. 349, eff. 2-1-85.

LIRC 3.05 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.

History: Cr. Register, March, 1981, No. 303, eff. 4-1-81; renum. from LIRC 3.05, Register, January, 1985, No. 349, eff. 2-1-85.

LIRC 3.06 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 201 East Washington Avenue, P.O. Box 8126, Madison, Wisconsin 53708. Service made by mail is effective to commence the action only if the summons and complaint are actually received by the commission within the appeal period. 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; renum. from LIRC 3.07 and am., Register, January, 1985, No. 349, eff. 2-1-85.