

Chapter LIRC 1

GENERAL

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LIRC 1.01 General. The labor and industry review commission has jurisdiction for review of cases arising under ss. 40.65 (2), 56.07 (7), 56.21 (1), 101.22 (4p), 101.223 (4), 102.18 (2), (3), and (4) (b), 108.09 (6) (a), 108.10 (2) and (3) and 111.39 (5) (a), Stats.

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

LIRC 1.02 Petitions for commission review. All petitions for commission review shall be received within 21 days from the date of mailing of the administrative law judge's findings and decision or order, except as provided under this section. "Received" means physical receipt. A mailed petition postmarked on or prior to the last day of an appeal period but received on a subsequent day is not a timely appeal. All petitions or appeals shall be in writing. The receipt may be on the next succeeding business day if the last day for filing falls on any of the following:

- (1) January 1;
- (1m) The third Monday in January;
- (1r) The third Monday in February;
- (2) Good Friday;
- (3) The last Monday in May;
- (4) July 4;
- (5) The first Monday in September;
- (5m) The second Monday in October;
- (5r) November 11;
- (6) The fourth Thursday in November;
- (7) December 24, 25 or 31;
- (8) The Monday following if January 1, July 4 or December 25 falls on Sunday.

History: Cr. Register, March, 1981, No. 303, eff. 4-1-81; am. Register, August, 1982, No. 320, eff. 9-1-82; am. (intro.), (3), (5), (6) and (8), cr. (1m), (1r), (5m) and (5r), Register, January, 1985, No. 349, eff. 2-1-85; am. (intro.) and (1m), Register, May, 1988, No. 389, eff. 6-1-88.

LIRC 1.03 Withdrawals. Requests to withdraw petitions shall be in writing. The commission may deny a request by any party to withdraw a petition if the commission has already reviewed and decided the case, but not yet issued its decision, or if the commission considers that withdrawal is not in the best interests of proper administration of the program involved. Denials of withdrawals shall be in writing, but may be included in the findings and decision of the commission.

History: Cr. Register, January, 1985, No. 349, eff. 2-1-85; am. Register, May, 1988, No. 389, eff. 6-1-88.

LIRC 1.04 Review. Review by the commission is on the record of the case including the synopsis or summary of the testimony or other evidence presented at the hearing as prepared by the department of industry, labor and human relations' administrative law judge who presided at the hearing. Consideration of the hearing tapes or a transcript of the hearing testimony is discretionary with the commission, except as provided under s. LIRC 4.02 (2).

History: Cr. Register, March, 1981, No. 303, eff. 4-1-81; renum. from LIRC 1.03 and am., Register, January, 1982, No. 349, eff. 2-1-85; am. Register, May, 1988, No. 389, No. 6-1-88.

LIRC 1.05 Hearings. The commission does not conduct or hold hearings. If the record in an individual case is inadequate, the commission may in its discretion remand the case to the department of industry, labor and human relations to act as deputy on behalf of the commission.

History: Cr. Register, March, 1981, No. 303, eff. 4-1-81; renum. from LIRC 1.04, Register, January, 1985, No. 349, eff. 2-1-85.

LIRC 1.06 Oral argument. Oral argument before the commission is not considered necessary since the commission review is on the basis of the record, since the parties have the right to file briefs with the commission, and since the granting of oral argument unnecessarily delays the timely disposition of appeals by the commission. However, a request for oral argument may be granted if the commission determines in its discretion that an issue or question would be more clearly presented by oral argument. Any written request for oral argument shall be granted or denied in writing by the commission.

History: Cr. Register, March, 1981, No. 303, eff. 4-1-81; renum. from LIRC 1.05, Register, January, 1985, No. 349, eff. 2-1-85.

LIRC 1.07 Briefs. Either party may request the commission to establish a briefing schedule. Each party may file with the commission briefs or memoranda within the time limits of the briefing schedule established by the commission. Requests for extensions of time for filing briefs shall be made in writing. Extensions may be approved in writing upon good cause shown. Copies of briefs or memoranda filed with the commission shall be furnished to the opposing party.

History: Cr. Register, January, 1985, No. 349, eff. 2-1-85.