

Chapter LIRC 2

UNEMPLOYMENT COMPENSATION

LIRC 2.01 Petitions for commission review
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LIRC 2.01 Petitions for commission review. (1) A petition for commission review of an appeal tribunal decision under s. 108.09 or 108.10, Stats., shall be received within 21 days after the date of mailing of the decision to the parties and during regular office hours by an employe of the unemployment compensation division, department of industry, labor and human relations, or an employe of the commission, at:

- (a) Any unemployment compensation office, or
- (b) A hearing office of the unemployment compensation division, or
- (c) The central administrative office of the Department, Bureau of Legal Affairs, Unemployment Compensation Division, 201 East Washington Avenue, P.O. Box 8942, Madison, Wisconsin 53708, or
- (d) The office of the Labor and Industry Review Commission, 201 East Washington Avenue, P.O. Box 8126, Madison, Wisconsin 53708.

(e) In the case of an interstate claimant one of the above or by a qualified employe of the agent state in which the interstate claimant files claim.

(2) Petitions by the department shall be filed only at the office of the commission.

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

LIRC 2.03 Hearing tapes. Copies of hearing tapes may be requested and obtained according to s. 108.09 (5), Stats., from the Department of Industry, Labor and Human Relations, Bureau of Legal Affairs, Unemployment Compensation Division, 201 East Washington Avenue, P.O. Box 8942, Madison, Wisconsin 53708.

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 2.04 Transcripts. Copies of transcripts may be requested and obtained according to s. 108.09 (5), Stats., from the Labor and Industry Review Commission, 201 East Washington Avenue, P.O. Box 8126, Madison, Wisconsin 53708. A fee of 50¢ per page, or a minimum fee of \$10 which shall constitute the advance fee under s. 108.09 (5) (b), Stats., shall be charged. Upon proper showing of financial inability to pay for copies of such testimony or

proceedings, the commission may furnish copies of transcripts on such terms as may be agreed upon. Transcripts shall be furnished after payment of the fee, except that a transcript need not be furnished if the requesting party does not file a timely appeal and the right to further appeal has expired. In such a situation the commission shall refund all or part of the advance payment after taking into account how much of the transcript was completed.

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 2.05 Actions for judicial review. Judicial review of any commission decision under s. 108.09 or 108.10, Stats., shall be commenced in the manner and upon the grounds specified in ss. 108.09 (7) and 102.23, Stats., and not under ch. 227 or s. 801.02, Stats. Either party may commence a legal action for review of the commission decision in circuit court within 30 days from the date the decision was mailed to the party's last known address. Such action is commenced only by filing a summons and complaint with the circuit court and serving an authenticated copy of the summons and the complaint upon the commission, all within 30 days. Service must be made upon a commissioner of the labor and industry review commission or an agent authorized by the commission to accept service only at the commission's office in Madison. Such service shall be deemed complete service on all parties but there shall be left with the person so served as many copies of the summons and complaint as there are defendants. Service by mail is effective only if the pleadings are actually received by the commission within the appeal period. The complaint shall state the grounds upon which review is sought. The action shall be commenced against the commission, and the party in whose favor the decision was made shall also be made a defendant. The proceedings shall be in the circuit court of the county where the plaintiff resides except that, if the plaintiff is a state agency, the proceedings shall be in the circuit court of the county where the defendant resides. If the plaintiff is a nonresident of Wisconsin, the proceedings shall be in the circuit court for Dane county. The proceedings may be brought in any circuit court if all parties stipulate and that court agrees. The appealing party shall arrange for preparation of the necessary legal documents.

History: Cr. Register, March, 1981, No. 303, eff. 4-1-81; renum. from LIRC 2.06 and am., Register, January, 1985, No. 349, eff. 2-1-85; r. and recr. Register, May, 1988, No. 389, eff. 6-1-88.