

Chapter LIRC 3

WORKERS' COMPENSATION

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LIRC 3.01 Petitions for commission review. (1) A petition for commission review of the findings or order of a department of industry, labor and human relations' administrative law judge 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 workers' compensation division, or unemployment compensation division of the department at:

(a) The central administrative office of the Workers' Compensation Division, 201 East Washington Avenue, P.O. Box 7901, Madison, Wisconsin 53707, or

(b) The Workers' Compensation Division, 819 North Sixth Street, Milwaukee, Wisconsin 53203, or

(c) Any 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; am. Register, May, 1988, No. 389, eff. 6-1-88.

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 workers' compensation division of the department of industry, labor and human relations within 21 days from 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 administrative law judge, 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; am. Register, May, 1988, No. 389, eff. 6-1-88.

LIRC 3.03 Transcripts. Transcripts of testimony at hearings conducted by administrative law judges of the workers' compensation division, department of industry, labor and human relations, may be requested and obtained from the workers' 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 administrative law judge 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; am. Register, May, 1988, No. 389, eff. 6-1-88.

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 workers' compensation claims are solely within the jurisdiction of the workers' 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 3.06, Register, January, 1985, No. 349, eff. 2-1-85; am. Register, May, 1988, No. 389, eff. 6-1-88.

LIRC 3.06 Actions for 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. Either party may commence a legal action for review of the commission decision in circuit court. The action must be commenced within 30 days from the date of the decision. 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 made 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 order or award 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 3.07 and am., Register, January, 1985, No. 349, eff. 2-1-85; r. and recr. Register, May, 1988, No. 389, eff. 6-1-88.