

Chapter LIRC 3 WORKER'S COMPENSATION

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LIRC 3.01 Petitions for commission review. A petition for commission review of the findings or order of a department of workforce development administrative law judge under s. 102.18, Stats., shall be received within 21 days from the date of mailing of the findings and order to the parties by the worker's compensation division, or the commission at:

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

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

(3) The worker's compensation division, Associated Bank Building, 1500 North Casaloma Drive, Suite 310, Appleton, Wisconsin 54915, or

(4) The office of the labor and industry review commission, 3319 West Beltline Highway, P.O. Box 8126, Madison, Wisconsin 53708.

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; am. Register, May, 1997, No. 497, eff. 6-1-97.

LIRC 3.02 Transcripts. Transcripts of testimony at hearings conducted by administrative law judges of the worker's compensation division, department of workforce development, may be requested and obtained from the worker's compensation division of the department, according to s. DWD 80.14, after the commencement of an action to review an order of the commission in circuit court. 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 worker's compensation division 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 3.04, Register, January, 1984, No. 349, eff. 2-1-85; am. Register, May, 1988, No. 389, eff. 6-1-88; renum. from LIRC 3.03 and am., Register, May, 1997, No. 497, eff. 6-1-97.

LIRC 3.03 Other petitions. The provisions of s. 102.18, Stats., shall apply to all petitions to the commission under ss. 40.65 (2), 303.07 (7) and 303.21, 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; renum. from LIRC 3.04 and am., Register, May, 1997, No. 497, eff. 6-1-97.

LIRC 3.04 Compromise settlements. Compromise settlements of worker's compensation claims are solely within the jurisdiction of the worker's compensation division, department of

workforce development, according to s. 102.16, Stats., and s. DWD 80.03. Under s. 102.18 (4) (d), Stats., if a compromise is reached while a case is pending commission review, the compromise shall be submitted to the commission, and the commission shall remand the case to the worker's compensation division for consideration of the compromise. If the compromise is not approved, the party who filed the petition for commission review may reinstate its petition by notifying the commission. Under s. 102.24 (2), Stats., if a compromise is reached while a case is pending court review of a commission order, remand shall be to the commission and the commission shall then remand the case to the department for consideration of the compromise.

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; renum. from LIRC 3.05 and am., Register, May, 1997, No. 497, eff. 6-1-97; correction made under s. 13.93 (2m) (b) 7., Stats., Register, May, 1997, No. 497.

LIRC 3.05 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; renum. from LIRC 3.06, Register, May, 1997, No. 497, eff. 6-1-97.