

Chapter Ind-UC 140

#229

APPEALS

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Ind-UC 140.01 Request for hearing. (1) As to any initial determination under sections 108.09 or 108.22 (8), Wis. Stats., either party thereto may request a hearing by an appeal tribunal as to any matter therein, pursuant to section 108.09, Wis. Stats.

(a) Any such request shall be in writing and filed at a local office or with a local office employe of the unemployment compensation division, or at the state administrative office of the unemployment compensation division, 4802 Sheboygan Avenue, P. O. Box 644, Madison, Wisconsin 53701, or, in the case of an interstate claimant, with any qualified employe of the agent state.

(2) As to any initial determination under section 108.10, Wis. Stats., any party thereto may request a hearing by an appeal tribunal as to any matter therein, pursuant to section 108.10, Wis. Stats.

(a) Any such request shall be in writing and filed with the state administrative office of the unemployment compensation division, 4802 Sheboygan Avenue, P. O. Box 644, Madison, Wisconsin 53701, except as a commission deputy may waive that place of filing in a specific case.

(b) Any such request shall specify on what grounds the requesting party believes the determination to be in error.

History: 1-2-56; am. (2) (a) Register, March, 1967, No. 135, eff. 4-1-67; am. (1) (a) and (2) (a), Register, September, 1968, No. 153, eff. 10-1-68.

Ind-UC 140.03 Petition for commission review. (1) As to any appeal tribunal decision under section 108.09, Wis. Stats., either party thereto may petition for commission review thereof pursuant to that section.

(a) Any such petition shall be in writing and filed at a local office or with a local office employe of the unemployment compensation division or at the state administrative office of the unemployment compensation division, 4802 Sheboygan Avenue, P. O. Box 644, Madison, Wisconsin 53701, or, in the case of an interstate claimant, with any qualified employe of the agent state.

(2) As to any appeal tribunal decision under section 108.10, Wis. Stats., any party thereto may petition for commission review thereof pursuant to that section.

(a) Any such petition shall be in writing and filed with the state administrative office of the unemployment compensation division, 4802 Sheboygan Avenue, P. O. Box 644, Madison, Wisconsin 53701, except as a commission deputy may waive that place of filing in a specific case.

(b) Any such petition shall specify on what grounds the requesting party believes the decision to be in error.

History: 1-2-56; am. (2) (a) Register, March, 1967; No. 135, eff. 4-1-67; am. (1) (a) and (2) (a), Register, September, 1968, No. 153, eff. 10-1-68.

Ind-UC 140.05 Hearings and Decisions. (1) Promptly after an appeal is filed, the appellant and respondent (if any) shall be notified in writing that an appeal has been filed. The notice may also contain such information concerning the hearing to be scheduled as the unemployment compensation division considers relevant.

(2) Parties shall be given an opportunity to be heard at the earliest practicable time from the date the appeal is filed. A notice of hearing shall be mailed each of the parties at least 5 days in advance of the hearing, giving the time and place of the hearing.

(3) The notice of hearing shall concisely set forth the issues involved. As to any issues not thus set forth the decision shall reflect consideration of such other issues, provided both parties are so notified at the time of the hearing and do not object.

(4) Statutory and common law rules of evidence and other technical rules of procedure are not controlling with respect to hearings. The aim shall be to secure the relevant facts as directly and simply as possible. All testimony having reasonable probative value shall be admitted, but irrelevant, immaterial and repetitious testimony shall be excluded.

(5) The hearing officer shall administer the oath or affirmation to each witness. The parties, their attorneys or agents shall be given an opportunity to examine and cross-examine witnesses. However, it is also the responsibility of the hearing officer to develop the facts and, to this end, he may examine any witness or call any witness, as he deems necessary.

(6) The ex parte investigation containing summations of interviews and not signed by those interviewed, used by the deputy in arriving at his initial determination, is not evidence. However, signed statements of parties can be used if introduced in evidence.

(7) The hearing officer may take official notice of any generally noticed fact or any established technical or scientific fact, but the parties will be afforded an opportunity to object thereto before a decision is issued.

(8) The decision shall be in writing accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise and separate statement of the ultimate conclusions upon each material issue of fact without recital of evidence. Insofar as possible, the decision shall be dated and mailed within 10 days following the hearing.

(9) (a) Any transcript requested by a party pursuant to section 108.09 (5) (b), Wis. Stats., shall be furnished to the parties when it is completed and paid for, except as hereinafter provided.

(b) A transcript need not be furnished, if the requesting party's right to further appeal has expired and he failed to file a timely appeal. In such a situation the unemployment compensation division shall refund all or part of the advance payment after taking into account how much of the transcript was completed.

History: 1-2-56; r. and recr. Register, September, 1968, No. 153, eff. 10-1-68.

Ind-UC 140.07 Time limits. Each mailing of an initial determination, or appeal tribunal decision, or commission decision shall specify within what time limit any appeal therefrom must be filed under chapter 108, Wis. Stats.

Ind-UC 140.09 Fees and travel expenses. Pursuant to section 108.14 (2m), Wis. Stats., the commission hereby specifies that fees and travel expenses for any witness or interpreter (and travel expenses for any party) at any appeal hearing shall, if approved by a commission representative, be payable at the rates currently applicable by statute to witnesses and interpreters attending a court of record. ✓