

Chapter Ind-UC 140 #343

APPEALS

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Ind-UC 140.01 Request for hearing. (1) A request for hearing as to any initial determination under section 108.09, Wis. Stats., must be filed with a local office or with a local office employe or with the central state administrative office of the employment security division, 201 East Washington Avenue, P. O. Box 644, Madison, Wisconsin 53701, or, in the case of an interstate claimant, with a qualified employe of the agent state.

(2) A request for hearing as to any initial determination under section 108.10, Wis. Stats., must be filed with the central state administrative office of the employment security division, 201 East Washington Avenue, P. O. Box 644, Madison, Wisconsin 53701, except as a department deputy may waive that place of filing in a specific case.

(3) Any such request must be in writing and 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; r. and recr. Register, January, 1975, No. 229, eff. 2-1-75.

Ind-UC 140.03 Petition for commission review. (1) A petition for commission review of an appeal tribunal decision under section 108.09, Wis. Stats., must be filed with a local office or with a local office employe or with the central state administrative office of the employment security division, 201 East Washington Avenue, P. O. Box 644, Madison, Wisconsin 53701, or, in the case of an interstate claimant, with a qualified employe of the agent state.

(2) A petition for commission review of an appeal tribunal decision under section 108.10, Wis. Stats., must be filed with the central state administrative office of the employment security division, 201 East Washington Avenue, P. O. Box 644, Madison, Wisconsin 53701, except as a department deputy may waive that place of filing in a specific case.

(3) Any such petition must be in writing and specify on what grounds the petitioning 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; r. and recr. Register, January, 1975, No. 229, eff. 2-1-75.

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 employment security division considers relevant.

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(2) Parties shall be given an opportunity to be heard at the earliest practicable time from the date the appeal is filed. Several pending issues involving the same parties may be consolidated for hearing or decision or both. An issue or issues involving more than one appellant or more than one respondent or both and arising substantially out of the same circumstances or closely similar circumstances may be consolidated for hearing or decision or both to avoid needless multiplicity of hearings or decisions or both. A notice of hearing shall be mailed to 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 the 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. The hearing officer may determine the order in which witnesses are called and the order of examination of each witness.

(6) The investigation containing summations of interviews, used by the deputy in arriving at his initial determination, is not evidence. However, signed statements of parties can be used if received in evidence at a hearing.

(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 employment security division shall

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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; am. (2), (3), (5) and (6), Register, January, 1975, No. 229, eff. 2-1-75.

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 department 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 department representative, be payable at the rates currently applicable by statute to witnesses and interpreters attending a court of record.