

Chapter LIRC 2

UNEMPLOYMENT COMPENSATION

LIRC 2.01 Petitions for review; where filed.
LIRC 2.015 Timeliness of petitions.

LIRC 2.05 Actions for judicial review.

LIRC 2.01 Petitions for review; where filed.

(1) Except as provided in subs. (2) and (3), a petition for commission review of an appeal tribunal decision under s. 108.09 or 108.10, Stats., shall be filed with any of the following:

(a) The division of unemployment insurance of the department, at any of the following locations:

1. The Madison hearing office, at 1801 Aberg Ave., Suite A, P.O. Box 7975, Madison, Wisconsin 53707–7975 (FAX: 608–242–4813).

2. The Milwaukee hearing office, at 819 N. 6th St., Rm. 382, Milwaukee, Wisconsin 53203–1606 (FAX: 414–227–4264).

3. The Eau Claire hearing office, at 715 S. Barstow St., Suite 1, Eau Claire, Wisconsin 54701–3880 (FAX: 715–836–1360).

4. The Fox Valley hearing office, at 926 Westhill Blvd., Appleton, Wisconsin 54914 (FAX: 920–832–5434).

5. The central administrative office of the division's bureau of legal affairs, at P.O. Box 8942, Madison, Wisconsin 53708 (FAX: 608–266–8221).

(b) The commission, at its office at 3319 West Beltline Highway, P.O. Box 8126, Madison, Wisconsin 53708 (FAX: 608–267–4409).

(2) A petition filed by an interstate claimant may be filed at one of the locations in sub. (1) or with a qualified employee of the agent state in which the interstate claimant files his or her claim.

(3) A petition 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; r. and recr. Register, May, 1997, No. 497, eff. 6–1–97; CR 05–092; r. and recr. Register July 2006 No. 607, eff. 8–1–06.

LIRC 2.015 Timeliness of petitions. For purposes of s. 108.09 (6) (a), Stats., the words “received” and “postmarked” have the following meanings:

(1) If the petition is personally delivered, the petition is “received” when the division of unemployment insurance of the department or the commission physically receives the petition.

(2) If the petition is mailed and bears only a United States postal service postmark, the petition is “postmarked” on the date of that postmark.

(3) If the petition is mailed and bears both a United States postal service postmark and a private meter mark, the petition is “postmarked” on the date of the United States postal service postmark.

(4) If the petition is mailed and bears only a private meter mark, the petition is “postmarked” on the date of that mark.

(5) If the petition is mailed and bears no mark, or bears an illegible mark, the petition is “postmarked” 2 business days prior

to the date the petition was physically received by the division of unemployment insurance of the department or the commission.

(6) If the petition is sent using a delivery service other than the United States postal service, and bears a delivery service mark which is the equivalent of a United States postal service postmark, the petition is “postmarked” on the date of that delivery service mark.

(7) If the petition is sent using a delivery service other than the United States postal service, and does not bear a delivery service mark which is the equivalent of a United States postal service postmark, or bears an illegible delivery service mark, the petition is “postmarked” 2 business days prior to the date the petition was physically received by the division of unemployment insurance of the department or the commission.

History: Cr. Register, May, 1997, No. 497, eff. 6–1–97; CR 05–092; am. Register July 2006 No. 607, eff. 8–1–06.

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 non-resident of Wisconsin, the proceedings shall be in the circuit court for the county where the claim arose. 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; CR 09–014; am. Register September 2009 No. 645, eff. 10–1–09.