

RULES CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPT. OF INDUSTRY,)
LABOR & HUMAN RELATIONS)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

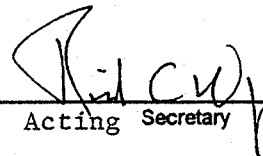
Richard C. Wegner
I, ~~Carol Skovnicka~~ Acting Secretary of the Department of Industry, Labor and Human Relations, and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to Payment After an Order

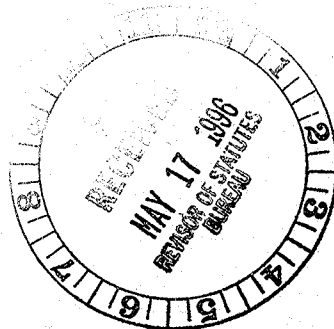
(Subject)

were duly approved and adopted by this department on 5/16/96
(Date)

I further certify that said copy has been compared by me with the original on file in the department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 8:00am
in the city of Madison, this 16th
day of May A.D. 19 96.


Acting Secretary



ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s)

102.15 (1)

Stats., the Department of Industry, Labor and Human Relations creates; amends;

repeals and recreates; repeals and adopts rules of Wisconsin Administrative Code chapter(s):

Ind 80.15
(Number)

Payment After an Order
(Title)


The attached rules shall take effect on July 1, 1996 publication

_____ pursuant to section 227.22, Stats.

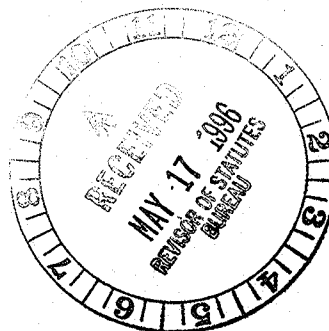
Adopted at Madison, Wisconsin this

date: May 16, 1996

DEPARTMENT OF INDUSTRY, LABOR AND
HUMAN RELATIONS



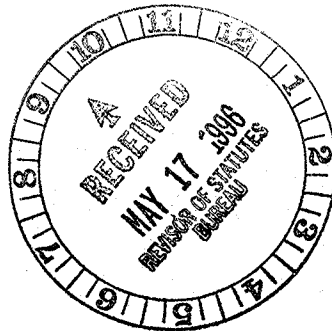
Acting Secretary





State of Wisconsin \ Department of Industry, Labor and Human Relations

RULES in FINAL DRAFT FORM



Rule No.:

Ind 80.15

Relating to:

Payment After an Order

The Wisconsin Department of Industry, Labor and Human Relations proposes an order to create Section Ind 80.15.

Analysis of the Proposed Rules

Statutory Authority: s. 102.15 (1), Stats.
Other Related Statutes: s. 102.18 (3), Stats.

Currently, sec. 102.18 (3), Stats., and Wis. Admin. Code, section LIRC 1.02 allow a party to a worker's compensation decision to petition the Labor and Industry Review Commission (LIRC) within 21 days after the Department of Industry, Labor and Human Relations mails a copy of the administrative law judge's findings and order. Unless modified by the judge within 21 days, the order is final if no petition is filed with LIRC.

The long-standing practice of administrative law judges in the Worker's Compensation Division has been to order payment within 10 days. This 10-day standard is inconsistent with allowing a party 21 days to appeal the administrative law judge's order. In these contested cases, this rule requires a party to pay within 21 days unless the party has appealed the administrative law judge's decision.

The rule also codifies the current 10-day standard for cases in which an administrative law judge's order memorializes the mutual agreement of the parties to settle the dispute by stipulation or compromise. In these cases, where there is no longer a dispute, the 10-day payment standard would apply.

SECTION 1. Ind 80.15 is created to read:

Ind 80.15 PAYMENTS AFTER AN ORDER. Except for a stipulation or compromise, unless a party has filed a petition for review under s. 102.18 (3), Stats., that party shall pay an administrative law judge's order awarding compensation within 21 days after the department mails a copy of the administrative law judge's finding and order to that party's last known address. For payments ordered by stipulation or compromise, a party shall pay within 10 days after the department mails a copy of the order to that party's last known address.

Tommy G. Thompson
Governor
Carol Skornicka
Secretary



Mailing Address:
201 E. Washington Avenue
Post Office Box 7946
Madison, WI 53707-7946
Telephone (608) 266-7552

State of Wisconsin Department of Industry, Labor and Human Relations

May 15, 1996

Gary Poulson
Assistant Revisor of Statutes
Suite 800
131 W. Wilson St.
Madison, Wisconsin 53703-3233

Douglas LaFollette
Secretary of State
10th Floor
30 West Mifflin Street
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO.: 96-024

RULE NO.: Ind 80.15

RELATING TO: Payment After an Order

Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is included for permanent rules. A fiscal estimate and fiscal estimate worksheet is included with an emergency rule.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Carol Skornicka".

Carol Skornicka
Secretary

