

**MEMORANDUM OF UNDERSTANDING BETWEEN  
DEPARTMENT OF WORKFORCE DEVELOPMENT DIVISION OF WORKER'S  
COMPENSATION AND DEPARTMENT OF ADMINISTRATION DIVISION OF  
HEARINGS AND APPEALS**

**I. Jurisdiction of DWD and DHA**

This section is intended by DWD and DHA to clearly set forth the agencies' respective jurisdiction of cases under Wis. Stat. §§ 102.16 and 102.17 and applicable provisions of the Wisconsin Administrative Code, recognizing that some functions of each agency occur contemporaneously as a case proceeds.

Per Wis. Stat. § 102.17(1)(a)1. and Wis. Admin. Code § HA 4.04(1) and (2), DWD shall:

1. Receive all applications;
2. Determine the parties of interest;
3. Serve by mail the application to the parties of interest; and
4. Join additional parties by serving of a copy of the application as warranted.

After DWD serves the application, per Wis. Stat. § 102.17(1)(a)2. and Wis. Admin. Code § HA 4.04(2), DHA shall assign an ALJ to the matter, as provided under Wis. Stat. § 102.18(2)(b), and the ALJ shall have the authority to:

1. Determine whether an answer received is complete, identifies the correct date of injury, and identifies the correct parties for that date of injury;
2. File documents or other material received or issued in connection with the claim on the [case management system providing DWD and DHA simultaneous access];
3. Schedule matters for hearing;
4. Notify the parties of the time and place of a hearing on the merits no later than 10 days prior to the hearing;
5. Conduct hearings and make findings, orders, and awards resolving the case pursuant to Wis. Stat. § 102.18(1);
6. As appropriate in cases of vision loss and hearing loss, request and obtain from DWD a computation of permanent disability indemnity;
7. Join other employers or insurance carriers when appropriate;
8. Secure the participation of the uninsured employers fund or the work injury supplemental benefit fund when appropriate;
9. If warranted, dismiss parties improperly served the application;
10. If warranted, dismiss the application if defective;
11. If warranted, dismiss the application upon request of a party;
12. Schedule and conduct prehearing conferences;

13. Adjourn or postpone any prehearing conferences or hearings scheduled in the matter by the ALJ; and/or
14. Subject to Wis. Stat. § 102.18(3), within 21 days of the mailing the ALJ's findings and order, as may be warranted, set aside, reverse, or modify those findings or orders if appropriate under the law.

One hundred twenty (120) days after an answer is received by DHA or upon DWD's verification of a certification of readiness (COR), whichever occurs earlier, pursuant to Wis. Stat. § 102.16(1)(b), an ALJ or other employee, assigned by DWD, as provided under Wis. Stat. § 102.18(2)(a), may do the following:

1. Review and set aside, modify, or confirm a compromise of the claim within one year of the compromise of claim having been filed with DWD, an award having been entered based on the compromise, or the date on which an application for DWD to take any of those actions is filed with DWD;
2. Under Wis. Stat. § 102.18(2)(c), make findings and orders to approve, review, set aside, modify, or confirm stipulations of settlement or compromises of claims for compensation without conducting settlement conferences;
3. Subject to Wis. Stat. § 102.18(3), within 21 days of DWD mailing findings and orders, as may be warranted, set aside, reverse, or modify those findings or orders;
4. Conduct Alternative Dispute Resolution activities for pro se parties that consent.
5. DWD shall receive a COR from the applicant and determine whether it is complete within 10 business days of receipt. If it is complete, DWD shall process the complete COR by uploading it to the case management system of which DHA and DWD have access. If it is found incomplete, DWD shall immediately notify the applicant so that the applicant may perfect the COR.

One hundred and twenty (120) days after an answer is received by DHA or upon DWD's verification of a certification of readiness (COR), DHA shall schedule a case for hearing.

Pursuant to Wis. Stat. § 102.18(1) and (3), DHA's jurisdiction over litigated matters ends no later than 21 days after the mailing of the ALJ's findings and order resolving a case, including orders that:

1. Award or deny benefits on the merits of the case following hearings within 90 days;
2. Approve compromise settlements where no additional issue is currently pending;
3. Approve stipulation settlements; and/or

4. Dismiss applications that were deemed ready to go to hearing but where no hearing was held.

After DHA issues its findings and order resolving a case, DWD shall make the appropriate entry in the case management system to reflect the case status within 30 days.

Parties shall agree to convene quarterly to discuss the MOU and, at least annually, shall discuss whether modifications of the MOU are warranted.


## II. Interchange of Case Management Access and Uploading of Documents

DOA will assign a project manager to a project to implement an integrated case management system so DHA and DWD have real time access to all case files, irrespective of which agency handles the filing of the document. Such a project will be paid for through non-WC funds (i.e., federal grant money). The project will have anticipated completion date no later December 31, 2024.

Until such integrated system is implemented, parties shall designate appropriate staff to a work group to determine how to keep each other apprised in real time of case filings.

The individuals signing below have the authority to commit the Party they represent to the terms of the MOU and do so commit by signing below:

ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION

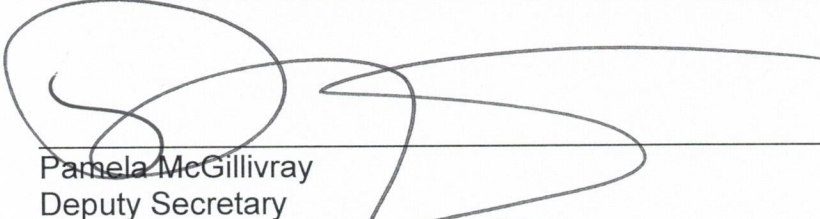
  
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Chris Patton  
Deputy Secretary

Dated: 11/9/21

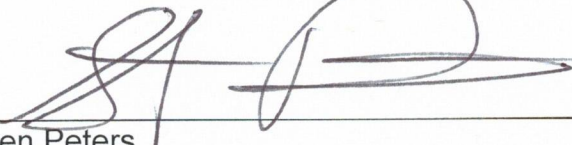
  
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Brian Hayes  
Administrator, Division of Hearings & Appeals

Dated: 11/9/2021

ON BEHALF OF THE DEPARTMENT OF WORKFORCE DEVELOPMENT

  
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Pamela McGillivray  
Deputy Secretary

Dated: 11/9/2021

  
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Steven Peters  
Administrator, Division of Worker's Compensation

Dated: 11-9-21