



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**  
**Brian Hayes, Administrator**

Office of Worker's Compensation Hearings  
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To Whom it May Concern:

Beginning October 1<sup>st</sup>, 2022, Division of Hearings and Appeals, Office of Worker's Compensations Hearings (hereinafter known as "DHA OWCH" or "Division") will be assigning an Administrative Law Judge (ALJ) to each case immediately after the Department of Workforce Development, Worker's Compensation Division (hereinafter known as "DWD WCD" or "Department") serves the Hearing Application pursuant to Wis. Stat. § 102.17(1)(a)1 and Wis. Admin. Code § HA 4.04(2). Parties will be notified of the assignment by letter. (See attached sample letter language).

**ASSIGNING CASES**

The DHA OWCH ALJ assigned to the case pursuant to Wis. Stat. § 102.18(2)(b) shall have full authority to perform the following:

1. Issue an order by default, without hearing, as provided by s. 102.18(1)(a) and s. HA 4.04;
2. Determine whether an answer is complete, identifies the correct date of injury, and identifies the correct parties for that date of injury;
3. Review, and then approve or disapprove amendments to application for hearings and answers;
4. Receive documents or other material received or issued in connection with the claim (e.g., correspondence and exhibits such as medical records, reports, etc.);
5. Schedule and conduct pre-hearing conferences, pursuant to Wis. Stat. § 102.17(1)(b);
6. Schedule mediations if requested by the parties;
7. Schedule matters for hearing;
8. Notify the parties of the time and place of a hearing at least 10 days prior to the hearing;
9. Conduct hearings and make findings, orders, and awards pursuant to Wis. Stat. § 102.18(1) and Wis. Admin. Code s. HA 4.04(3)(e);
10. Within 90 days after presiding over a hearing and closing the record, the ALJ shall issue a findings of fact order, and;
11. Subject to Wis. Stat. § 102.18(3), within 21 days of issuance, set aside, reverse, or modify such findings, orders, or awards made by the ALJ;
12. Take all other action, when appropriate, to manage the case, including:
  - In cases of vision loss and hearing loss, request and obtain from DWD a computation of permanent disability indemnity;
  - Implead other employers or insurance carriers;
  - Secure the participation of the uninsured employers fund or the work injury supplemental benefit fund;
  - Dismiss parties improperly served with the application;
  - Dismiss the application if defective;
  - Dismiss the application upon the request of a party.
13. Adjourn or postpone any prehearing conferences or hearings scheduled in the matter by the ALJ;

14. Approve compromise settlements and stipulation settlements, pursuant to Wis. Stat. § 102.16(1)(c) and the November 9<sup>th</sup>, 2021, MOU agreement.

### SCHEDULING A HEARING

Beginning October 1<sup>st</sup>, 2022, claims will only be scheduled for a hearing after:

- (1) a Certificate of Readiness has been filed, **or**
- (2) 120 days have elapsed since the Answer was received by the Division and the assigned ALJ determines the claim is ready for a hearing. The ALJ's determination will be based upon input from the parties, the filed exhibits, whether the applicant is still undergoing treatment, and any other factors that may bear on whether the case is ready for a hearing.

### REVIEWING THE COMPROMISE AGREEMENT

Should the parties negotiate a compromise agreement before a hearing is scheduled, Wis. Stat. §102.16(1)(b)1, Wis. Stat. § 102.16(1)(c), and the terms of the November 9<sup>th</sup>, 2021, MOU agreement between DHA and DWD WCD dictates which agency reviews the compromise agreement. Specifically, in cases where no Certificate of Readiness has been filed, the Department will review the compromise agreement **so long** as 120 days have not elapsed since the filing of the respondents' Answer. In cases where a Certificate of Readiness has been filed, **or** in cases where 120 days have elapsed since the filing of the Answer, the Division will review the compromise agreement.

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If you have any questions about the procedures described above, feel free to reach out to ALJ Ezalarab at [Hamdy.Ezalarab@wisconsin.gov](mailto:Hamdy.Ezalarab@wisconsin.gov), or ALJ Kinney at [Lisa.Kinney@wisconsin.gov](mailto:Lisa.Kinney@wisconsin.gov).

Below is sample language of the ALJ assignment letter that will be sent to the parties beginning 10/01/22.

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To all parties:

This correspondence is to inform you that ALJ (**\*insert ALJ's name\***) is assigned to preside over this claim.

**Contact DHA OWCH via email at [DHAWCMail@wisconsin.gov](mailto:DHAWCMail@wisconsin.gov) or via phone (608) 266-7709**

- o **ATTN: ALJ (**\*insert ALJ's name\***)**

Please note that this claim will only be scheduled for a hearing after:

1. A Certificate of Readiness is filed; or
2. 120 days have elapsed since the Answer was received by the Division **and** the assigned ALJ determines the case is ready for a hearing.

Please direct any inquires, documents, and/or request to the assigned ALJ (**\*insert ALJ's name\***).

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