



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS
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Policy on Converting In-Person Hearings to Video Hearings and Policy on Scheduling Hearings for Parties Outside the Madison and Milwaukee Hearing Areas.

The Office of Worker's Compensation Hearings (OWCH) has resumed in-person hearings as of January 19, 2021. For the immediate future, all in-person hearings will be held in Milwaukee or Madison. OWCH has made significant effort to make the hearing rooms safe and in compliance with state, local, and CDC guidelines. For those cases outside the Madison or Milwaukee area in which the applicant has not previously agreed to have his or her hearing scheduled in Milwaukee or Madison, OWCH will hold a pre-hearing/settlement conference to either settle the case or facilitate scheduling a hearing. A pre-hearing/settlement conference will not be scheduled for cases in which the applicant has requested in writing that the hearing be scheduled at Madison or Milwaukee.

OWCH offers the option of holding hearings by video. The ALJs and OWCH have sole authority to determine which hearings may be held by video and which hearings may be held in-person. Parties may request to convert an in-person hearing to a video hearing or OWCH may review the claim and decide to convert it to a video hearing. Situations may arise in which the ALJ may decide that neither an in person-hearing in Madison or Milwaukee nor a video hearing is appropriate. The ALJ will address such scheduling concerns as they arise on a case-by-case basis.

Converting a scheduled in-person hearing to a video hearing by request of the parties. If you wish to switch from an in-person hearing to a video hearing, you must make a request to the ALJ assigned to your case. This request must be made as soon as possible but no later than 15 days before the hearing date, in order to ensure that a video room can be reserved and to schedule a connectivity conference. Please note that hearings will not be cancelled or postponed for the purpose of switching from an in-person hearing to a video hearing. The video hearing will be held at the same date, time, and before the same judge as referenced in your hearing notice. Your request to switch to the video hearing must include your reasons for the request. The ALJ will decide if the hearing can be converted taking into consideration the complexity of the case, the number of witnesses, as well as video hearing room availability.

Converting a scheduled in-person hearing to a video hearing by decision of the ALJ. The ALJ and OWCH have ultimate authority to determine whether a case is appropriate for a video hearing. An ALJ may, at his or her discretion, convert an in-person hearing to a video hearing. Factors that will be considered are the number of witnesses, the complexity of the claims, and the length of the hearing. The conversion will not affect the date or time of the hearing. As with hearings that are converted by request, there will be no postponements to effectuate the change.