

SUGGESTED FORM OF COMPLAINT FOR A REVIEW OF AN ORDER OR AWARD OF THE LABOR AND INDUSTRY REVIEW-COMMISSION

STATE OF WISCONSIN: IN CIRCUIT COURT: FOR: _____ COUNTY

A _____

Plaintiff,

vs.

COMPLAINT

Labor and Industry Review Commission, and

B _____ Company, A Wisconsin Corporation,

C _____ Insurance Company, A Wisconsin Corporation.

Defendants.

The above named plaintiff, by _____, his/her attorney for his/her cause of action against the above named defendants respectfully shows to the court that:

1. The plaintiff is a (state vocation) residing at _____ Street, in the city of _____, Wisconsin.

2 The B _____ Company is a corporation organized and existing under and by virtue of the laws of the state of Wisconsin with its principal office in the city of _____, Wisconsin.

3. The C _____ Insurance Company is a corporation organized, and existing under and by virtue of the laws of the state of Wisconsin with its principal office in the city of _____, Wisconsin.

4. The _____ day of _____, 20 __, in a proceeding under ch. 102. Stats., known as Wisconsin Worker's Compensation Act, the above named defendant, Labor and Industry Review Commission, made certain findings and based upon such findings made and entered its order or award dismissing the plaintiff's application for compensation (or, that the defendants, B _____ Company and C _____; Insurance company, pay to the plaintiff certain sums as compensation).

5. This plaintiff is aggrieved by reason of said findings and order or award, and brings this action for a review of said findings, order or award upon the following grounds:

(a) That said defendant, Labor and Industry Review Commission, acted without or in excess of its powers in making the following findings (here quote those findings of which you desire to complain, and only those) in that such findings are not supported by the evidence.

(b) That the findings of fact by the commission do not support its order or award in that (state with particularity the respect or respects in which the findings are claimed to be deficient as a support for the order or award).

(c) That the order or award was procured by a fraud in that (state the specific facts relied on as fraud, but bear in mind that the fraud alluded to in the statutes does not include false testimony).

Wherefore, this plaintiff demands judgment that the findings and order or award complained of be set aside, and for such other or further judgment, order or relief as the circumstances may warrant.

Plaintiff's Attorney

Note: Insurance company, if any, must be joined as a defendant when claim is against an insured employer. The Labor and Industry Review Commission must always be named as a defendant. See sec. 102.23, Stats. The State of Wisconsin must be named as a party defendant when payment into or but of state funds is involved. Sufficient copies of summons and complaint must also be left with the Labor and Industry Review Commission for service upon each defendant.