



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880

TTY: (800) 947-3529

Facsimile (608) 267-0640

Web Site: www.wicourts.gov

DISTRICT IV

October 9, 2025

To:

Hon. Karl Hanson
Circuit Court Judge
Electronic Notice

Amanda Nelson
Clerk of Circuit Court
Rock County Courthouse
Electronic Notice

Lynn Kristine Lodahl
Electronic Notice

Emily Anne Kuhn Sharman
Electronic Notice

Nathan A. Hoff
3925 North Crystal Springs Road
Janesville, WI 53545

You are hereby notified that the Court has entered the following opinion and order:

2024AP1049

Nathan A. Hoff v. Labor and Industry Review Commission
(L.C. # 2023CV904)

Before Graham, P.J., Blanchard, and Kloppenburg, JJ.

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

Nathan Hoff appeals a circuit court order that affirmed a decision by the Labor and Industry Review Commission (LIRC). The LIRC decision dismissed Hoff's claim for worker's compensation benefits for a work-related mental stress injury that allegedly occurred while he was employed at American Girl Brands. Hoff argues that LIRC erred by relying on a medical report in denying Hoff's claim because Hoff did not have the opportunity to cross-examine the author of the report. Based on our review of the briefs and record, we conclude at conference

that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2023-24).¹ We summarily affirm.

Hoff's claim was heard by a Department of Workforce Development administrative law judge (ALJ), who issued a decision dismissing the claim. The ALJ found that Hoff was not credible and that his factual allegations were untrue. The ALJ also specifically found that Hoff had offered no credible medical support for his claim and further found persuasive a medical report authored by Dr. Raymond Kozial, in which Dr. Kozial opined that Hoff had not suffered a medical stress injury at work.

LIRC affirmed the ALJ's decision. It adopted the ALJ's factual findings as its own and dismissed Hoff's claim for the same reasons stated by the ALJ. The circuit court affirmed LIRC's decision. Hoff appeals.

Our review of a worker's compensation decision is limited in scope. *See* WIS. STAT. § 102.23. We review LIRC's decision, not the circuit court's. *Pick 'n Save Roundy's v. LIRC*, 2010 WI App 130, ¶8, 329 Wis. 2d 674, 791 N.W.2d 216; § 102.23. LIRC's factual findings are conclusive on appeal as long as they are supported by credible and substantial evidence. *See Michels Pipeline Constr., Inc. v. LIRC*, 197 Wis. 2d 927, 931, 541 N.W.2d 241 (Ct. App. 1995); *see also* § 102.23(6). We will accept LIRC's determinations as to the credibility of witnesses. *See West Bend Co. v. LIRC*, 149 Wis. 2d 110, 118, 438 N.W.2d 823 (1989) (stating that a reviewing court cannot substitute its judgment for that of the agency "in respect to the credibility of a witness"); § 102.23(6). Moreover, we will not reverse a decision by LIRC unless there is a

¹ All references to the Wisconsin Statutes are to the 2023-24 version.

showing of prejudicial error. *See Zimbrick v. LIRC*, 2000 WI App 106, ¶9, 235 Wis. 2d 132, 613 N.W.2d 198. We conclude that Hoff has failed to make that showing here.

On appeal, Hoff's only argument is that LIRC erred by relying on Dr. Koziol's report because Dr. Koziol was not subject to cross-examination. However, as summarized above, LIRC relied on three separate reasons to dismiss Hoff's claim: (1) Hoff was not credible and his factual allegations were not true; (2) Hoff failed to provide a credible medical opinion to support his claim; and (3) Dr. Koziol's report refuting Hoff's claim was persuasive. Hoff challenges only the third reason—that Dr. Koziol's report refuted Hoff's claim—and this is insufficient to warrant reversal of LIRC's decision. Assuming without deciding that LIRC erred by considering Dr. Koziol's report, we conclude that the assumed error was not prejudicial because Hoff has not shown that LIRC's decision would have been different without the report. This is so because LIRC's determination that Hoff lacked credibility and that his allegations were untrue was sufficient, by itself, to support LIRC's decision to deny Hoff's claim. Accordingly, Hoff has not established a basis for this court to reverse LIRC's decision.

Therefore,

IT IS ORDERED that the order is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Samuel A. Christensen
Clerk of Court of Appeals