



OFFICE OF THE CLERK

Supreme Court of Wisconsin

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April 7, 2022

To:

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Circuit Court Judge
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You are hereby notified that the Court, by its Clerk and Commissioners, has entered the following order:

Nos. 2020AP2168 &
2021AP84

ADS Waste Holdings, Inc. v. Labor and Industry Review Comm'n
L.C.#2020CV208

On February 3, 2022, the court of appeals issued a decision reversing an order of the Dodge County Circuit Court, which had reversed a decision of the Labor and Industry Review Commission (“the Commission”) awarding worker’s compensation benefits to Matthew Markowski. ADS Waste Holdings, Inc. (“ADS”), which had employed Mr. Markowski as a driver, and ADS’s insurance carrier, Arch Insurance Company, filed a petition for review on March 7, 2022. This petition remains pending.

On March 22, 2022, ADS and Arch Insurance filed a document titled, “Request for Remand to Division of Hearings and Appeals for Approval of Compromise Agreement.” ADS and Arch

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Insurance stated they were requesting, with the approval of Mr. Markowski's counsel, "that this case be remanded to the Division of Hearings and Appeals, Office of Worker's Compensation Hearings for approval of [a] compromise agreement, which will be drafted shortly and submitted to the Division upon remand."

On March 24, 2022, the Commission filed a document stating that it "does not oppose the other parties' request for a remand."

On April 4, 2022, at the request of this court, ADS and Arch Insurance filed a letter with the court explaining that the Department of Administration's Division of Hearings and Appeals (the "Division") must review any compromise agreement between the parties in this case. See Wis. Stat. § 102.16(1); Wis. Admin. Code § DWD 80.03(3). ADS and Arch Insurance also refer the court to Wis. Stat. §§ 102.24(2) and 102.25(1), which concern the handling of the record during judicial review of a Commission decision. These sections provide, as pertinent here, that "[a]t any time before the case is set down for hearing in the court of appeals or the supreme court, the parties may have the record remanded by the court" to the Division for its required review of a compromise agreement between the parties.

Upon the foregoing,

IT IS ORDERED that ADS Waste Holdings, Inc.'s and Arch Insurance Company's "Request for Remand to Division of Hearings and Appeals for Approval of Compromise Agreement" is hereby construed as an unopposed motion to withdraw ADS Waste Holdings, Inc.'s and Arch Insurance Company's pending petition for review. That motion is granted. The petition for review is deemed withdrawn and no action shall be taken upon it; and

IT IS FURTHER ORDERED that this case is remanded to the circuit court with directions to, in turn, remand this case to the Division of Hearings & Appeals, Office of Worker's Compensation Hearings, for further proceedings consistent with this order.

Sheila T. Reiff
Clerk of Supreme Court