

**COURT OF APPEALS  
DECISION  
DATED AND RELEASED**

**AUGUST 13, 1996**

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See § 808.10 and RULE 809.62, STATS.

**NOTICE**

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

**No. 96-0864-FT**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT III**

**PETER J. KAIRIS,**

**Petitioner-Appellant,**

**v.**

**STATE OF WISCONSIN LABOR  
AND INDUSTRY REVIEW  
COMMISSION and LAKELAND  
AIRPORT COMMISSION,**

**Respondents-Respondents.**

APPEAL from a judgment of the circuit court for Oneida County:  
ROBERT E. KINNEY, Judge. *Affirmed.*

Before Cane, P.J., LaRocque and Myse, JJ.

PER CURIAM. Peter Kairis appeals a judgment affirming a decision of the Labor and Industry Review Commission dismissing his claim for unemployment compensation benefits.<sup>1</sup> Kairis arrived late for a hearing before

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<sup>1</sup> This is an expedited appeal under RULE 809.17, STATS.

an appeal tribunal and LIRC concluded that Kairis did not establish good cause for his late appearance. We affirm the judgment that affirmed LIRC's decision.

Kairis received notification that a hearing was scheduled for 12 noon on April 10, 1995. The notice included a box warning that if he was late, the hearing could be dismissed. Kairis was delayed "a couple of minutes" at a train crossing and arrived at the building after noon. He saw his employer's representatives seated in a room when he arrived, but did not enter that room, apparently because he was uncomfortable being in the same room with his former employers and because he believed it was a waiting room for witnesses. On the glass doors, under the words "Internal Revenue Service" was a printed sign stating "Unemployment Compensation Appeal Hearing." Instead, Kairis went to the Unemployment Compensation Office desk, which he knew from previous experience would not be manned during the noon hour. There he saw another door that had a metal "Restroom" sign on it and a handwritten "Appeal Hearings" sign. A photographic exhibit of the door with a glass window suggests that it is an entryway to a foyer that connects to handicapped-accessible restrooms and possibly other rooms. Kairis waited at the desk for four or five minutes before he began to look for the hearing room. By the time Kairis found the correct hearing room, the administrative law judge had excused the employer's representatives and dismissed Kairis' claim.

LIRC found that a reasonably prudent person would not have acted as Kairis did. The legal question, whether Kairis has established good cause for his failure to timely appear, is intertwined with factual determinations and with value or policy determinations. Therefore, LIRC's conclusions are entitled to deference by the court. See *Sauk County v. WERC*, 165 Wis.2d 406, 413, 477 N.W.2d 267, 270 (1991). LIRC's actions are specifically authorized by §§ 108.09(4)(c) and (i), STATS., and WIS. ADM. CODE §§ IHLR 40.14 and 40.15.

LIRC's decision that Kairis did not establish good cause for his failure to appear is supported by the evidence. Kairis left very little margin for error. With no excuse other than a short train delay, something that is hardly an unforeseeable event, he arrived late, disregarded signs that LIRC found to be adequate, unreasonably hesitated to enter rooms marked with appropriate signs or containing people he did not wish to see and waited at a desk that he knew was unmanned for four or five minutes before attempting to find the correct room. He found the correct room in less than one minute after he decided to

search for it. Under these circumstances, LIRC was entitled to draw an unfavorable inference and decide that a reasonable person would have arrived at the hearing room before the employer's representatives were excused.

*By the Court.*—Judgment affirmed.

This opinion will not be published. See RULE 809.23(1)(b)5, STATS.