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February 15, 2001

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

00-2983 Sandra Lea Benedict v. Labor and Industry Review
Commission, et al. (L.C. #00-CV-392)

Before Cane, C.J., Hoover, P.J., and Peterson, J.

The respondents have filed a motion to summarily affirm the order of the circuit court that affirmed the Labor and Review Commission (LIRC) decision dismissing Sandra Lea Benedict's complaint because she did not file a timely petition. Benedict has not filed a response to the motion. Upon our review of her brief, we conclude that the circuit court's order should be summarily affirmed.

Benedict's brief raises numerous issues on appeal. She devotes only two pages, however, to LIRC's and the trial court's conclusion that she did not file a timely petition. In her brief, she argues that she did not receive a notice of her right to petition for review of the administrative law judge's decision and therefore the time specified by law for filing a petition for review never began to run. The respondents argue that this issue was raised for the first time on appeal. By her failure to contradict that statement, Benedict is deemed to admit her failure to properly preserve the issue. *See Charolais Breeding Ranches Ltd. v. FPC Sec. Corp.*, 90 Wis.2d 97, 109, 279 N.W.2d 493 (Ct. App. 1979). In addition, her brief contains no citation to the record to establish that the issue was preserved. This court will not decide an issue raised for the first time on appeal. *See Terpstra v. Soiltest, Inc.*, 63 Wis.2d 585, 593, 218 N.W.2d 129 (1974). Because Benedict had not properly preserved her allegation that she did not receive notice of her appeal obligations and she does not raise any other issue on appeal challenging the trial court's conclusion that her petition to LIRC was untimely,

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

Cornelia G. Clark
Clerk of Court of Appeals