

Administrative Procedures Act and Michigan Civil Service Commission¹ Appeals Table

This is an aid to track appeal events. Consult court rules and statutes as needed.

See the Michigan Judicial Institute’s *Appeals & Opinions Benchbook*, Chapter 2.

This is an appeal of right when timely filed. See [MCR 7.103\(A\)\(3\)](#); [MCR 7.119\(B\)](#). [MCR 7.101–MCR 7.115](#) apply unless [MCR 7.117](#) or [MCR 7.119](#) provide otherwise. [MCR 7.117\(A\)](#); [MCR 7.119\(A\)](#).

Appeals from agencies not governed by the Administrative Procedures Act are governed by [MCR 7.123](#), and the timing requirements of [MCR 7.104](#) (appeal of right) or [MCR 7.105](#) (appeal by leave) apply. [MCR 7.123\(B\)-\(C\)](#). See the Michigan Judicial Institute’s *General Appeals of Right Table* or *General Appeals by Leave Table* for additional information.

Case Number: _____

Lower Case Number: _____

Appellant: _____

Appellant’s Attorney: _____

Appellee: _____

Appellee’s Attorney: _____

Task	Applicable Court Rule	Due Date (if applicable)	Compliance?
Review date of decision being appealed. The appeal must be filed within 60 days of the decision mailing. An interlocutory appeal (only available in limited circumstances) must be filed within 14 days of the decision. If permitted by statute, a late appeal can be filed by application within 6 months after entry of the decision.	MCR 7.119(B)(1) ; MCR 7.119(C)(1) ; MCR 7.119(D)(1)		
Appeal may include or be accompanied by motion to present proofs of alleged irregularity in procedure or to take additional evidence before the agency. Failure to include or file with the claim of appeal constitutes an untimely motion.	MCR 7.119(G)		
Appellant must file proof that service was made on all parties, agency, attorney general, and any other person entitled to notice. Within the time for appeal, appellant must order and pay for the trial court transcript (unless there is nothing to be transcribed) or make a written request that the agency send a certified copy of the record to circuit court.	MCR 7.104(D)(9) ; see MCR 7.104(E)(4) ; MCR 7.119(B)(2)(f)		

¹ Because “[a]n appeal from a decision of the Michigan Civil Service Commission must comply with [MCR 7.119](#),” the court rule governing appeals from agencies governed by the Administrative Procedures Act, this table applies to both types of appeals. See [MCR 7.117\(B\)](#).

Task	Applicable Court Rule	Due Date (if applicable)	Compliance?
Appellee must file an appearance in compliance with MCR 7.104(F) within 14 days of service.	MCR 7.119(B)(3)		
Except for items omitted by written stipulation of the parties, record must be sent to the circuit court by agency within 14 days of request for certified copy of record. Stipulations regarding any part of the record must appear in an order entered by the court.	MCR 7.109(G)(1) ; MCR 7.119(F)		
Circuit court must provide written notice to the parties immediately after the record is filed in circuit court.	MCR 7.109(G)(3)		
Appellant must file and serve its brief on all parties within 28 days after circuit court provides written notice that the record has been filed. The circuit court may extend time on motion, or time may be extended by 14 days on stipulation and order. If ordering the taking of additional evidence, the time for filing briefs is stayed until the additional evidence has been taken.	MCR 7.111(A)(1)(a) ; MCR 7.119(G)		
If appellant fails to pursue appeal in conformity with court rules, circuit court sends notice of intent to dismiss unless deficiency rectified within 14 days. Appellant may move for reinstatement within 14 days of dismissal.	MCR 7.113(A) ; MCR 7.113(C)		
Appellee’s brief is optional, but if submitted, must be filed and served on all parties within 21 days after appellant’s brief was served. The circuit court may extend time on motion, or time may be extended by 14 days on stipulation and order.	MCR 7.111(A)(2)		
Appellant may file a reply brief within 14 days after appellee’s brief was served.	MCR 7.111(A)(3)		
Determine whether either party properly requested oral argument and whether deliberation will be significantly aided by oral argument; if so, schedule. Oral argument is forfeited for failure to timely file a conforming brief unless the circuit court grants motion to reinstate oral argument.	MCR 7.111(A)(6) ; MCR 7.111(C) ; MCR 7.114(A)		
Circuit court must decide appeal by oral or written opinion and issue order. If reversing decision because it is not supported by competent, material, and substantial evidence on the whole record, violates statutory or constitutional law, contains a material error of law, or involved an unlawful procedure resulting in material prejudice, court must specifically identify why reversal is warranted.	MCR 7.114(B) ; MCR 7.119(H)		
Circuit court must promptly send original record, certified copy of order, and any written opinion to (1) the clerk of the Court of Appeals, if timely application for leave is filed, or (2) the agency, if no timely application for leave to appeal filed.	MCR 7.109(H)		