

## Michigan Employment Security Act 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 7.116\(B\)](#). [MCR 7.101–MCR 7.115](#) apply unless [MCR 7.116](#) provides otherwise. [MCR 7.116\(A\)](#).**

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 the decision being appealed. The appeal must be filed within 30 days of the mailing of the Michigan Compensation Appellate Commission (commission) decision.	<a href="#">MCR 7.116(B)</a>		
Ensure proper venue. See <a href="#">MCL 421.38(1)</a> .	<a href="#">MCR 7.116(D)</a>		
Appellant must file proof that service was made on the commission and all interested parties. The unemployment agency is a party to any appeal under <a href="#">MCL 421.38(3)</a> , but the commission is not a party.	<a href="#">MCR 7.116(C)</a> ; <a href="#">MCR 7.104</a>		
Appellee must file an appearance within 14 days of service.	<a href="#">MCR 7.116(E)</a>		
Except for items omitted by written stipulation of the parties, the commission must transmit a certified copy of the record to circuit court within 42 days of service. The commission, not the court, must notify the parties of transmittal.	<a href="#">MCR 7.116(F)</a>		
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.	<a href="#">MCR 7.111(A)(1)(a)</a>		
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. If appeal is dismissed, the circuit court must immediately send a copy of the order to the parties and the commission. Appellant may move for reinstatement within 14 days of dismissal.	<a href="#">MCR 7.113(A)</a> ; <a href="#">MCR 7.113(C)</a>		

Task	Applicable Court Rule	Due Date (if applicable)	Compliance?
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. Reverse commission only if decision is contrary to law or not supported by competent, material, and substantial evidence on the whole record.	MCR 7.114(B); MCR 7.116(G)		
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 commission, if no timely application for leave to appeal filed.	MCR 7.109(H)		