

SUBSTITUTE FOR
HOUSE BILL NO. 5172

A bill to amend 1936 (Ex Sess) PA 1, entitled
"Michigan employment security act,"
by amending section 32a (MCL 421.32a), as amended by 2011 PA 269.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 32a. (1) Upon application by an interested party for
2 review of a determination, upon request for transfer to an
3 administrative law judge for a hearing filed with the unemployment
4 agency within 30 days after the mailing or personal service of a
5 notice of determination, or upon the unemployment agency's own
6 motion within that 30-day period, the unemployment agency shall
7 review any determination. After review, the unemployment agency
8 shall **IN ITS DISCRETION** issue a redetermination affirming,
9 modifying, or reversing the prior determination and stating the
10 reasons for the redetermination, or may ~~in its discretion~~ transfer
11 the matter to an administrative law judge for a hearing. If **THE**

1 **UNEMPLOYMENT AGENCY ISSUES** a redetermination, ~~is issued, the~~
 2 ~~unemployment agency~~ **IT** shall promptly notify the interested parties
 3 of the redetermination. ~~, the~~ **THE** redetermination is final unless
 4 within 30 days after the mailing or personal service of a notice of
 5 the redetermination an appeal is filed with the unemployment agency
 6 for a hearing on the redetermination before an administrative law
 7 judge ~~in accordance with~~ **PURSUANT TO** section 33.

8 (2) The unemployment agency ~~may,~~ **SHALL**, for good cause,
 9 including ~~any~~ **AN** administrative clerical error **OR EVIDENCE PRODUCED**
 10 **BY AN INTERESTED PARTY SHOWING THAT A PRIOR DETERMINATION OR**
 11 **REDETERMINATION WAS NOT SENT TO THE INTERESTED PARTY'S CORRECT**
 12 **ADDRESS OR AN ADDRESS ASCERTAINED UNDER SUBSECTION (5),** reconsider
 13 a prior determination or redetermination after the 30-day period
 14 has expired and after reconsideration issue a redetermination
 15 affirming, modifying, or reversing the prior determination or
 16 redetermination, or transfer the matter to an administrative law
 17 judge for a hearing. A reconsideration shall not be made unless the
 18 request is filed with the unemployment agency, or reconsideration
 19 is initiated by the unemployment agency with notice to the
 20 interested parties, within 1 year ~~from~~ **AFTER** the date of mailing or
 21 personal service of the original determination on the disputed
 22 issue **OR, IF THE ORIGINAL DETERMINATION INVOLVED A FINDING OF**
 23 **FRAUD, WITHIN 3 YEARS AFTER THE DATE OF MAILING OR PERSONAL SERVICE**
 24 **OF THE ORIGINAL DETERMINATION.**

25 (3) If an interested party fails to file a protest within the
 26 30-day period and the unemployment agency for good cause
 27 reconsiders a prior determination or redetermination and issues a

redetermination, a disqualification, or an ineligibility imposed thereunder, other than an ineligibility imposed due to receipt of retroactive pay, the redetermination, disqualification, or ineligibility does not apply to a compensable period for which benefits were paid or are payable unless the benefits were obtained as a result of an administrative clerical error, a false statement, or a nondisclosure or misrepresentation of a material fact by the claimant. However, the redetermination is final unless within 30 days after the date of mailing or personal service of the notice of redetermination an appeal is filed for a hearing on the redetermination before an administrative law judge ~~in accordance with~~ **PURSUANT TO** section 33.

(4) In addition to the transfer provisions in subsections (1) and (2), both of the following apply:

(a) If both the claimant and the employer agree, the matter may be transferred directly to an administrative law judge in a case involving the payment of unemployment benefits.

(b) If both the unemployment agency and the employer agree, the matter may be transferred directly to an administrative law judge in a case involving unemployment contributions or reimbursements in lieu of contributions.

(5) IF A DETERMINATION OR REDETERMINATION INCLUDES A FINDING THAT AN INTERESTED PARTY COMMITTED FRAUD, THE UNEMPLOYMENT AGENCY SHALL, IN ADDITION TO SENDING THE DETERMINATION OR REDETERMINATION TO THE INTERESTED PARTY'S ADDRESS OF RECORD, ASCERTAIN FROM THE DEPARTMENT OF STATE, THE DEPARTMENT OF TREASURY, AND THE UNITED STATES POSTAL SERVICE OTHER KNOWN MAILING ADDRESSES OF THE

1 INTERESTED PARTY AND SEND THE DETERMINATION OR REDETERMINATION TO
2 THE MOST RECENT ADDRESS.

3 (6) A CLAIMANT, EMPLOYER, OR INTERESTED PARTY SHALL, DURING A
4 BENEFIT YEAR, NOTIFY THE UNEMPLOYMENT AGENCY OF A CHANGE IN ITS
5 MAILING ADDRESS.

6 Enacting section 1. This amendatory act takes effect July 1,
7 2018.

8 Enacting section 2. This amendatory act does not take effect
9 unless all of the following bills of the 99th Legislature are
10 enacted into law:

11 (a) Senate Bill No.____ or House Bill No.____ (request no.
12 03872'17).

13 (b) Senate Bill No.____ or House Bill No.____ (request no.
14 03873'17).

15 (c) Senate Bill No.____ or House Bill No.____ (request no.
16 03876'17).

17 (d) Senate Bill No.____ or House Bill No.____ (request no.
18 03877'17).

19 (e) Senate Bill No.____ or House Bill No.____ (request no.
20 03878'17).

21 (f) Senate Bill No.____ or House Bill No.____ (request no.
22 03879'17).

23 (g) Senate Bill No.____ or House Bill No.____ (request no.
24 03880'17).