

# HOUSE BILL No. 4810

June 17, 1999, Introduced by Rep. Kuipers and referred to the Committee on Employment Relations, Training and Safety.

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 34 (MCL 421.34), as amended by 1983 PA 164.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 34. An INTERESTED PARTY MAY appeal to the board of  
2 review ~~from the~~ A REFEREE'S findings of fact and decision ~~of~~  
3 ~~the referee or from a denial by the referee~~ OR A REFEREE'S  
4 DENIAL of a motion for a rehearing or reopening. ~~, shall be a~~  
5 ~~matter of right by an interested party. The board of review, on~~  
6 ON the basis of evidence previously submitted and additional evi-  
7 dence as it requires, THE BOARD OF REVIEW shall affirm, modify,  
8 set aside, or reverse ~~the~~ A REFEREE'S findings of fact and  
9 decision ~~of the referee~~ or a REFEREE'S denial ~~by the referee~~  
10 of a motion for rehearing or reopening. The board shall conduct

1 an oral hearing in a matter before the board only ~~after an~~  
2 ~~application for the hearing is made by an interested party and~~  
3 ~~the application is approved by~~ IF 2 or more members of the board  
4 assigned to review the appeal APPROVE OF THE CONDUCTING OF AN  
5 ORAL HEARING. ~~If an application for~~ UNLESS THERE IS an oral  
6 hearing, ~~is not approved, the board shall not consider a written~~  
7 ~~argument unless~~ all parties are represented, or all parties  
8 agree that written argument should be considered, THE BOARD SHALL  
9 NOT CONSIDER A WRITTEN ARGUMENT. If neither an oral hearing is  
10 held nor written argument considered, the board shall decide the  
11 case on the referee record. The board shall notify each inter-  
12 ested party of its decision or order within 60 days after the  
13 date of the last board of review hearing on a contested matter.  
14 The board, in its discretion, may omit the giving of reasons in  
15 cases ~~where~~ IN WHICH the ~~decision of a~~ referee DECISION is  
16 affirmed without alteration or modification. If the appellant  
17 fails to appear, the board of review may dismiss the proceedings  
18 or take other action as it ~~may deem advisable~~ DETERMINES  
19 APPROPRIATE. ~~The board of review may, either upon~~ UPON EITHER  
20 application by an interested party for rehearing or ~~on~~ its own  
21 motion, ~~proceed to~~ THE BOARD OF REVIEW MAY rehear, affirm,  
22 modify, set aside, or reverse a prior decision on the basis of  
23 the evidence previously submitted in that case, or on the basis  
24 of additional evidence if the application or motion is made  
25 within 30 days after the date of mailing of the prior decision.  
26 The board of review may    for good cause    reopen and review  
27 a prior decision of the board of review and issue a new decision

1 after the 30-day appeal period has expired, but ~~a review shall~~  
2 ~~not be made unless~~ ONLY IF the request is filed with the board,  
3 or review is initiated by the board with notice to the interested  
4 parties, within 1 year after the date of mailing of the prior  
5 decision. Unless, ~~an interested party,~~ within 30 days after  
6 THE mailing of a copy of a decision of the board of review or of  
7 a denial of a motion for a rehearing, AN INTERESTED PARTY files  
8 an appeal from the decision or denial, or seeks judicial review  
9 ~~as provided in~~ UNDER section 38, the decision ~~shall be~~ IS  
10 final.