

# HOUSE BILL No. 6067

May 9, 2002, Introduced by Reps. Bob Brown, Anderson and Bernero 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. (1) An appeal to the board of review from the  
2 findings of fact and decision of the referee or from a denial by  
3 the referee of a motion for a rehearing or reopening, ~~shall be~~  
4 IS a matter of right by an interested party. The board of  
5 review, on the basis of evidence previously submitted and ANY  
6 additional evidence ~~as it requires~~ SUBMITTED, shall affirm,  
7 modify, set aside, or reverse the findings of fact and decision  
8 of the referee or a denial by the referee of a motion for rehear-  
9 ing or reopening.

10       (2) The board OF REVIEW shall conduct an oral hearing in a  
11 matter before the board ~~only after an~~ OF REVIEW IF A WRITTEN

1 application for the hearing is made by an interested party. ~~and~~  
2 ~~the application is approved by 2 or more members of the board~~  
3 ~~assigned to review the appeal.~~ If ~~an~~ A WRITTEN application for  
4 an oral hearing is ~~not approved~~ SUBMITTED, the board OF REVIEW  
5 shall ~~not~~ consider ~~a~~ written ~~argument unless all parties are~~  
6 ~~represented or all parties agree that written argument should be~~  
7 ~~considered~~ OR ORAL ARGUMENTS. AN INTERESTED PARTY MAY APPEAR  
8 BEFORE THE BOARD OF REVIEW IN PERSON OR MAY BE REPRESENTED BY  
9 LEGAL COUNSEL. If neither an oral hearing is held nor written  
10 argument considered, the board OF REVIEW shall decide the case on  
11 the referee record.

12 (3) The board OF REVIEW shall notify each interested party  
13 of its decision or order within 60 days after the date of the  
14 last board of review hearing on a contested matter. The board OF  
15 REVIEW, in its discretion, may omit the giving of reasons in  
16 cases ~~where~~ IN WHICH the decision of a referee is affirmed  
17 without alteration or modification.

18 (4) If the appellant fails to appear, the board of review  
19 may dismiss the proceedings or take other action ~~as~~ it ~~may~~  
20 ~~deem~~ CONSIDERS advisable.

21 (5) The board of review may, either upon application by an  
22 interested party for rehearing or on its own motion, proceed to  
23 rehear, affirm, modify, set aside, or reverse a prior decision on  
24 the basis of the evidence previously submitted in that case, or  
25 on the basis of additional evidence if the application or motion  
26 is made within 30 days after the date of mailing of the prior  
27 decision. The board of review may, for good cause, reopen and

1 review a prior decision of the board of review and issue a new  
2 decision after the 30-day appeal period has expired, but a review  
3 shall not be made unless the request is filed with the board, or  
4 review is initiated by the board with notice to the interested  
5 parties, within 1 year after the date of mailing of the prior  
6 decision.

7 (6) Unless an interested party, within 30 days after mailing  
8 of a copy of a decision of the board of review or of a denial of  
9 a motion for a rehearing, files an appeal from the decision or  
10 denial, or seeks judicial review as provided in section 38, the  
11 decision ~~shall be~~ IS final.