

VIETNAM VETERAN ERA BONUS ACT (EXCERPT)
Act 370 of 1974

35.1027a Court of claims; jurisdiction extended to include claims made pursuant to this act; transferred claims; commissioner; rules; fees, expenses, and compensation; notice; hearing; abandoned claim; petition; examination of record; report; additional affidavits or depositions; order; appeal.

Sec. 7a. The jurisdiction of the court of claims is extended to include claims made pursuant to this act. The claims shall have been rejected by the adjutant general as provided by this act. Any claim transferred to the court of claims by the adjutant general shall be a claim accruing from the date of receipt by the court of the claim. The governor by and with the advice and consent of the senate may appoint a commissioner to the court of claims who shall hold office at the pleasure of the governor and who shall be paid a salary as determined by the legislature. The commissioner shall be an attorney licensed to practice law in this state. The commissioner shall assist the court and the applicant in all matters coming before the court by reason of this section. The court by rule shall establish the powers and duties of the commissioner with reference to the claims transferred to the court under this section and may promulgate such other rules as shall facilitate the disposition of claims transferred to it under this section. The fees and the payment of attorneys for services under this section shall be subject to the approval of the court. Expenses incurred under and compensations paid under the provisions of this section shall be paid from funds under this act and the state administrative board is hereby directed to release to the court of claims sufficient funds necessary to carry out the provisions of this section.

Upon receipt of any claim transferred by the adjutant general the court shall forthwith send a notice to the claimant at the last known address of the claimant, by certified mail deliverable to addressee only, that the case has been transferred to the court of claims and that the claimant has the right to a separate hearing or to have the case adjudicated on the record. The notice shall clearly inform the claimant of the time limits placed by this section on his rights to a hearing before the court on his claim or to have his case adjudicated on the record before the court. The notice may also contain such additional information or request for information as the court shall deem necessary or advisable for the expeditious consideration of the claim.

Each notified claimant shall have the right to a hearing before the court upon application made within 60 days after the date of receipt of notice that the case has been transferred to the court. A claimant living outside the continental United States at the time of receipt of the notice shall have 120 days after the date of receipt of the notice in which to make application to the court of claims. Upon failure of claimant to apply for hearing or upon request to determine the claim on the record, the court shall consider and determine the claim upon the record as transferred to the court by the adjutant general together with such additional information as may be furnished under the provisions of this section. If any notice so required to be sent to any claimant is returned undelivered, the case shall be held by the court for a period of 1 year after the date of the return and each claim upon which an action shall not have been taken within that time shall prima facie be deemed to have been abandoned. If, during the 1 year period, the court receives notice of the whereabouts of a claimant, it shall give notice to the claimant, as this act provides, and proceedings shall be had as though the notice was the first notice sent by the court to the claimant. At any time prior to the final determination of any claim, the court may, on its own motion, grant the claimant a hearing.

Upon application for a separate hearing, the application, together with the record transferred by the adjutant general, shall be deemed to constitute a petition as required by the court.

The commissioner shall examine the record and shall make a report with reference to the court, including recommendations, if any. The court shall have the right to require of claimants as do not apply for a separate hearing such additional affidavits or depositions, within a reasonably limited time, as it deems necessary for the adjudication of the claim, and the claimants may also, within a reasonably limited time, furnish additional affidavits or depositions in support of their claims.

If the court determines that the claimant is entitled to payment and the amount to be paid, or that the claimant is not entitled to payment, an appropriate order shall be entered and the adjutant general and the claimant notified. Appeal may be had as provided by Act No. 236 of the Public Acts of 1961, being section 600.101, et seq. of the Michigan Compiled Laws.

History: Add. 1975, Act 27, Imd. Eff. Apr. 24, 1975.