

CORRECTIONS CODE OF 1953 (EXCERPT)
Act 232 of 1953

791.255 Motion or application for rehearing; exhaustion of administrative remedies; application for direct review in circuit court; transmitting copy of record to court; proof of procedural irregularity; scope of review; action by court.

Sec. 55. (1) A prisoner aggrieved by a final decision or order of a hearings officer shall file a motion or application for rehearing in order to exhaust his or her administrative remedies before seeking judicial review of the final decision or order.

(2) Within 60 days after the date of delivery or mailing of notice of the decision on the motion or application for the rehearing, if the motion or application is denied or within 60 days after the decision of the department or hearing officer on the rehearing, a prisoner aggrieved by a final decision or order may file an application for direct review in the circuit court in the county where the petitioner resides or in the circuit court for Ingham county.

(3) Within 60 days after the application is filed and the department is served, the department shall transmit to the court a certified copy of the entire record of the proceedings. In the case of alleged irregularity in procedure which is not shown on the record, proof may be submitted to the court.

(4) The review shall be confined to the record and any supplemental proofs submitted pursuant to subsection (3). The scope of review shall be limited to whether the department's action is authorized by law or rule and whether the decision or order is supported by competent, material and substantial evidence on the whole record.

(5) The court may affirm, reverse or modify the decision or order or remand the case for further proceedings.

History: Add. 1979, Act 140, Eff. Feb. 1, 1980;—Am. 1983, Act 155, Eff. Oct. 1, 1983.

Popular name: Department of Corrections Act