

HOUSE BILL No. 4816

May 10, 1989, Introduced by Reps. Watkins, DeMars, Harrison, Wallace, DeLange, Profit, Joe Young, Jr., Saunders, Honigman, London, O'Connor, Martin and Terrill and referred to the Committee on Labor.

A bill to amend section 32a of Act No. 1 of the Public Acts of the Extra Session of 1936, entitled as amended "Michigan employment security act," as amended by Act No. 164 of the Public Acts of 1983, being section 421.32a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 32a of Act No. 1 of the Public Acts of
2 the Extra Session of 1936, as amended by Act No. 164 of the
3 Public Acts of 1983, being section 421.32a of the Michigan
4 Compiled Laws, is amended to read as follows:

5 Sec. 32a. (1) The commission shall, upon application by an
6 interested party for review of a determination or upon request
7 for transfer to a referee for a hearing filed with the commission
8 within 30 days after the mailing or personal service of a notice
9 of determination, or upon its own motion within that period,

1 review any determination. The commission shall thereafter issue
2 a redetermination affirming, modifying, or reversing the prior
3 determination and stating the reasons therefor, or may at its
4 discretion transfer the matter to a referee for a hearing. If a
5 redetermination is issued, the commission shall promptly notify
6 the interested parties of the redetermination which shall become
7 final unless within 30 days after the mailing or personal service
8 of a notice thereof an appeal is filed with the commission for a
9 hearing on the redetermination before a referee in accordance
10 with section 33.

11 (2) The commission may, for good cause, including any admin-
12 istrative clerical error, reconsider a prior determination or
13 redetermination after the 30-day period has expired and thereaf-
14 ter issue a redetermination affirming, modifying, or reversing
15 the prior determination or redetermination, or transfer the
16 matter to a referee for a hearing. A reconsideration shall not
17 be made unless the request is filed with the commission, or
18 reconsideration is initiated by the commission with notice to the
19 interested parties, within ~~1 year from~~ 3 YEARS AFTER the date
20 of mailing or personal service of the original determination on
21 the disputed issue.

22 (3) If, in the event of failure on the part of an interested
23 party to file a protest within the 30-day period, the commission
24 for good cause reconsiders a prior determination or redetermina-
25 tion and issues a redetermination, a disqualification or ineligi-
26 bility imposed thereunder, except ineligibility imposed by reason
27 of receipt of retroactive pay, shall not apply to a compensable

1 period for which benefits were paid or are payable unless the
2 benefits were obtained by reason of an administrative clerical
3 error or a false statement or nondisclosure or misrepresentation
4 of a material fact by the claimant. However, the redetermination
5 shall become final unless within 30 days after the date of mail-
6 ing or personal service of the notice of redetermination an
7 appeal is filed for a hearing on the redetermination before a
8 referee in accordance with section 33.