

Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)

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REQUEST FOR RULEMAKING (RFR)

1. Department:

Labor and Economic Opportunity

2. Bureau:

Unemployment Insurance Agency

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Unemployment Insurance Appeals Commission General Rules

5. Rule numbers or rule set range of numbers:

R 792.11417 to R 792.11433

6. Estimated time frame:

12 months

Name of person filling out RFR:

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

The proposed rules apply to practice and procedures before the Unemployment Insurance Appeals Commission (UIAC). This RFR is to replace Part 14, Subpart A (in part) and C (in full) (R 792.11401-11404 and R 792.11417 -R 11433) of the Michigan Administrative Hearing System, Administrative Hearing Rules, currently located within Licensing and Regulatory Affairs-Michigan Office of Administrative Hearings and Rules (MOAHR). As a result of Executive Order 2019-13, Part 14 will be rescinded by MOAHR and the rules governing the UIAC will be promulgated by LEO, Unemployment Insurance Agency. Part A sets forth rules applicable both to hearings before administrative law judges (ALJs) and appeals from ALJ decisions. Part C exclusively governs appeals. These proposed rules would replace those portions of Part A that are applicable to appeals and Part C in full. In addition, the rules will be updated to: establish procedures for accepting electronic appearances and filings; clarify rules on transfer applications; modify rules on written and oral argument; modify the good cause definition; create procedures for fact finding on late appeals; and create procedures for complex matters and/or issues of first impression.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

Unemployment Insurance Agency

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

By authority conferred on the Unemployment Insurance Agency (UIA) by section 4 of 1936 PA 1, MCL 421.4, and ERO Nos. 1997-11, 2002-1, 2003-1, 2011-4, 2014-6, and 2019-3; MCL 421.94, MCL 445.2004, MCL 445.2011, MCL 445.2030, MCL 125.1995, and MCL 125.1998.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

No.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

The proposed rules do not conflict with or duplicate any state or federal regulations.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

Yes. Instructions for filing appeals are published on the UIAC website along with a description of other appeal procedures which are set forth in FAQ's in the Resource section of the website.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

No.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

The proposed set of rules will not conflict, duplicate or exceed similar regulations, compliance requirements or other standards adopted at the state, regional, or federal level.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

The UIAC has received comments from the public regarding procedures for submitting oral and written argument under R 792.11420 and 11423. The proposed rules will modify these procedures.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

The current rule set was implemented in 2015 and last evaluated in 2018. Since the last evaluation, the UIAC has accepted appeals and other filings by electronic means. The proposed rule set will set forth rules formalizing procedures for electronic filing.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

No.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No