



**House
Legislative
Analysis
Section**

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MESC: RESTRICTIONS ON USE OF EVIDENCE

APR 29 1988

House Bill 5553

Sponsor: Rep. Gordon Sparks Mich. State Law Library

Committee: Labor

Complete to 4-18-88

A SUMMARY OF HOUSE BILL 5553 AS INTRODUCED 4-14-88

The bill would amend the Michigan Employment Security Act to provide that a finding of fact or law, judgment, conclusion, or final order, made by a referee, board of review, or reviewing court could not be conclusive or binding in any separate or subsequent action, filed on or after the effective date of the bill, that did not involve the rights or liabilities of parties under the act. The bill would also prohibit such findings, judgments, conclusions, or final orders from being used as evidence in separate or subsequent actions or proceedings between an employee and his or her present or prior employer, brought before any state or federal court, regardless of whether the prior action was between the same or related parties or involved the same facts. This prohibition would not apply to actions or proceedings in which the commission was an interested party, or to the application of coordination of benefits with worker's disability compensation benefits. Under the bill, exhibits admitted into the record at a referee or board of review hearing, and the transcripts of those hearings, could be used in separate or subsequent actions or proceedings only for the purpose of impeachment of a witness.

MCL 421.36

House Bill 5553 (4-18-88)