

Appeals Under Michigan Employment Security Act
Circuit Court Appeal Procedure

The procedure for appeals from a decision of the Michigan Employment Security Commission is governed by MCR 7.116. Please note the following highlights. Failure to comply with the Court Rules may result in a sanction up to and including dismissal of your appeal.

1. Unless MCR 7.116 provides otherwise, MCR 7.101 through 7.115 apply. MCR 7.116(A).
2. Appellant must file in the Circuit Court proof that a copy of the claim of appeal was served on the Board of Review and all interested parties. MCR 7.116(C).
3. The Court will dismiss your appeal on 14 days' notice, if Appellant fails to pursue the appeal in conformity with the court rules. MCR 7.113(A).
4. Within 14 days after service of the claim of appeal, Appellee must file an appearance in the Circuit Court. MCR 7.116(E). A cross appeal may be filed with the appearance.
5. Within 42 days after the claim of appeal is served on the Board of Review or within further time the Circuit Court allows, the Board of Review must transmit to the Circuit Court clerk a certified copy of the record of proceedings before the referee and the Board of Review and notify the parties of the transmittal. MCR 7.116(F).
6. The Circuit Court must immediately send written notice to the parties when the record is filed. MCR 7.109(G)(3).
7. The appeal is heard by the Circuit Court on the certified record. Briefs and oral arguments are governed by MCR 7.111 which state as follows:
 - a. Within 28 days after the Circuit Court clerk notifies the parties that the record on appeal has been filed with the Circuit Court, Appellant must file a brief in the Circuit Court and serve it on Appellee. MCR 7.111(A)(1). Appellee may file and serve a reply brief within 21 days after Appellant's brief is served on Appellee. MCR 7.111(A)(2).
 - b. If Appellant does not file a brief within the 28 days and the Circuit Court has not granted a motion for further time, the appeal may be considered abandoned, and the Circuit Court may dismiss the appeal on 14 days' notice to the parties. MCR 7.111(A)(1)(b).
 - c. A party who has filed a timely brief is entitled to oral argument by writing "**ORAL ARGUMENT REQUESTED**" in boldface type on the title page of the party's brief. MCR 7.111(C). Even if oral arguments are properly requested, the Circuit Court may dispense with oral arguments if the briefs and record adequately present the facts and legal arguments, and the Circuit Court's deliberation would not be significantly aided by oral argument. MCR 7.114(A). The assignment clerk will schedule a hearing and notify the parties by mail. If oral arguments are not requested, the file will be submitted to the judge to whom the appeal is assigned for decision.

Please see the Michigan Court Rules for further information.