

**MICHIGAN EMPLOYMENT SECURITY ACT (EXCERPT)**  
**Act 1 of 1936 (Ex. Sess.)**

**421.36 Appeals to referees and board of review; rules governing presentation, reports, and procedure; assignment of matters to panels; composition of panels; final decision of board; request for full review; commission as interested party; unreasonable reports not required; record of proceedings; recording and transcribing testimony; cost of transcript; availability of certain writings to public; filing and contents of certified record of proceedings in circuit court; appeals consolidated for hearing.**

Sec. 36. (1) The manner in which appeals to referees and the board shall be presented, the appeal-related reports required from an interested party, and the procedure governing the appeals shall be in accordance with rules promulgated by the board.

(2) A matter to be heard by the board shall be assigned to a panel of 3 members of the board for disposition. The composition of panels shall be alternated so that each member of the board serves on panels with other members of the board with a frequency which is as substantially equal as possible. If the board is operating with 5 members, the chairperson may appoint 2 panels, each of which shall have 1 member representative of employer interests and 1 member representative of employee interests. If the board is operating with 7 members, the chairperson may appoint 3 panels, each of which shall have 1 member representative of employer interests and 1 member representative of employee interests. The chairperson shall participate on a panel only if the 2 members cannot agree to a decision or order, and in all matters where an oral hearing has been granted. With all panels, the decision reached by 2 members shall be the final decision of the board, unless 2 members of the board from different representational sectors request that the matter be brought for a full review by the entire board. The request shall be made within 5 working days after the decision of the panel. A decision of the full board of review which is equally divided shall constitute an affirmance of the next lower decision.

(3) The commission shall be considered to be an interested party. Unreasonable reports shall not be required. A full and complete record shall be kept of all proceedings in connection with an appeal. The testimony at a hearing before a referee or the board of review shall be recorded, but need not be transcribed unless the decision is further appealed or a transcript is requested by an interested party who shall pay the cost of preparing the transcript. However, a charge shall not be made for the transcript if an appeal is filed by the interested party. A writing prepared, owned, used, in the possession of, or retained by the appeal board in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, as amended, being sections 15.231 to 15.246 of the Michigan Compiled Laws. The certified copy of the record of proceedings that the board of review is required to file in the circuit court in connection with an order or decision of the board from which an appeal has been taken pursuant to section 38 shall include the testimony taken in the case by the referee and the board, their orders and decisions filed in the case, and the exhibits admitted in evidence, excluding, however, the notices of hearings and adjournments that may have been admitted as exhibits unless the notices themselves are the subject of dispute in the case. In the case of an appeal involving more than 1 interested party that the referee was empowered to consolidate for purposes of hearing pursuant to section 33, only the orders and decisions issued by the referee and the board of review to 1 of the individuals involved in the appeals consolidated for hearing need be made a part of the record on appeal, if the orders and decisions issued to the other individuals involved in the consolidated hearing with respect to the dispositive issues involved are the same.

**History:** 1936, Ex. Sess., Act 1, Imd. Eff. Dec. 24, 1936;—Am. 1941, Act 364, Imd. Eff. July 1, 1941;—CL 1948, 421.36;—Am. 1951, Act 251, Imd. Eff. June 17, 1951;—Am. 1957, Act 311, Imd. Eff. June 21, 1957;—Am. 1974, Act 104, Eff. June 9, 1974;—Am. 1977, Act 52, Imd. Eff. July 5, 1977;—Am. 1977, Act 202, Imd. Eff. Nov. 17, 1977;—Am. 1978, Act 471, Imd. Eff. Oct. 18, 1978;—Am. 1980, Act 358, Eff. Mar. 1, 1981.

**Administrative rules:** R 421.1101 et seq. of the Michigan Administrative Code.