

STATE OF MICHIGAN  
UNEMPLOYMENT INSURANCE APPEALS COMMISSION

In the Matter of

[REDACTED]

Appeal Docket No.: [REDACTED] 25-002248

Claimant,

UIA Case No.: [REDACTED]

[REDACTED]

Employer.

DECISION OF UNEMPLOYMENT INSURANCE APPEALS COMMISSION

On November 21, 2024, the Unemployment Insurance Agency (Agency) issued a determination that held the claimant was required to register for full-time work in person with the Michigan Works! Agency by November 19, 2024, but she did not register because she was not aware of the requirement. Thus, the determination found the claimant ineligible for benefits from November 3, 2024 and continuing until the condition no longer exists under the registration provision of the Michigan Employment Security Act (Act), Section 28(1)(a).

The claimant timely protested the determination. In response, the Agency issued a redetermination on November 25, 2024 that affirmed the determination.

On June 23, 2025, the Agency issued a redetermination on its own motion that modified the November 25, 2024 redetermination and held the claimant did not register for full-time work with the Michigan Works! Agency by November 19, 2024 and failed to establish good cause for late registration, and was therefore ineligible for benefits from November 3, 2024 through June 7, 2025 under Section 28(1)(a) of the Act.

The claimant timely appealed the June 23, 2025 redetermination. The matter was transferred to an Administrative Law Judge (ALJ) for a hearing. A hearing was held on July 14, 2025. The claimant appeared and presented evidence. Following the hearing, the ALJ issued a decision on July 16, 2025 that reversed the redetermination and found the claimant not ineligible (eligible) for benefits under Section 28(1)(a) of the Act.

This case is now before the Unemployment Insurance Appeals Commission (Commission) pursuant to the Agency's timely appeal from the ALJ's decision.

After reviewing the record, we find the ALJ's decision must be reversed. Our reasons are as follows.

Section 28(1)(a) of the Act provides in part:

- (1) An unemployed individual is eligible to receive benefits with respect to any week only if the unemployment agency finds all of the following:

- (a) The individual registered for work pursuant to subsection (10) after the individual applied for benefits and within the time period prescribed by the unemployment agency, has continued to report pursuant to unemployment agency rules, and is actively engaged in seeking work. The requirements that the individual must report, must register for work, must be available to perform suitable full-time work, and must seek work may be waived by the unemployment agency if the individual is laid off and the employer that laid the individual off notifies the unemployment agency in writing or by computerized data exchange that the layoff is temporary and that work is expected to be available for the individual within a declared number of days, not to exceed 45 calendar days, plus up to an additional 90 calendar days as provided for in subsection (11), following the last day the individual worked. Except as otherwise provided in subsection (12), this waiver is not effective unless the notification from the employer is received by the unemployment agency before the individual has completed his or her first compensable week following layoff. If the individual is not recalled within the specified period, the waiver ceases to be operative with respect to that layoff. Except for a period of disqualification, the requirement that the individual shall seek work may be waived by the unemployment agency if it finds that suitable work is unavailable both in the locality where the individual resides and in those localities in which the individual has earned wages during or after the base period. This waiver does not apply to a claimant enrolled and attending classes as a full-time student. An individual is considered to have satisfied the requirement of personal reporting at an employment office, as applied to a week in a period during which the requirements of registration and seeking work have been waived by the unemployment agency pursuant to this subdivision, if the individual has satisfied the personal reporting requirement with respect to a preceding week in that period and the individual has reported with respect to the week by mail pursuant to the rules promulgated by the unemployment agency.

Mich Admin Code, R 421.208(5) provides:

An individual who is required to register for work to be eligible for unemployment benefits and who, with good cause, fails to do so, shall not be ineligible for benefits for the weeks for which the individual failed to register. "Good cause" for failure to register shall include, but not be limited to, either of the following:

- (a) Misinformation provided by the agency or failure to provide access to the means of registration by the agency or designated entity.
- (b) A reason described in [Mich Admin Code, R 421.210(2)].

Mich Admin Code, R 421.210 provides, in pertinent part:

(2) As used in this rule:

(e) “Good cause for late filing of a new, additional, or reopened claim” and “good cause for late reporting to file a continued claim” means that there is a justifiable reason, determined in accordance with a standard of conduct expected of an individual acting as a reasonable person in the light of all the circumstances, that prevented a timely filing or reporting to file as required by this rule. Examples of justifiable reasons that the agency may consider as constituting good cause include any of the following:

- (i) Acts of God.
- (ii) Working or reliance on a promise of work that did not materialize.
- (iii) Closing of agency offices, or failure of the agency’s telephonic or electronic equipment, during scheduled hours of operation.
- (iv) Delay or interruption in the delivery of mail or the delay or interruption of information by telephonic or other means by a business or governmental agency entrusted with the delivery of mail or of messages by telephonic or other means.
- (v) Personal physical incapacity or the physical incapacity or death of a relative or ward of either the individual or the individual’s spouse or of any person living in the same household as the individual claiming benefits.
- (vi) Attendance at a funeral.
- (vii) Incarceration.
- (viii) Jury duty.

The claimant has the burden of proving eligibility for unemployment benefits. *Dwyer v UCC*, 322 Mich 178, 187; 32 NW2d 434 (1948).

The claimant filed a regular claim for unemployment benefits on November 6, 2024, benefit year beginning date November 3, 2024. The Agency issued the associated monetary determination on November 7, 2024. The monetary determination provided specific instructions regarding the registration requirement.

The June 23, 2025 redetermination in this matter indicated that the claimant was required to register for work with the Michigan Works! Agency by November 19, 2024, but she did not register timely and did not establish good cause for late registration.

At the hearing, the claimant acknowledged that she did not register by the November 19, 2024 deadline. The claimant stated that she filed the claim for benefits because she stopped working. She indicated that she completed her first certification prior to registering for work, which is contrary to the registration instructions. Those instructions provide in part that the claimant must register for work at least one business day before completing her first certification for the registration to be considered timely.

The claimant indicated that she was aware she did not receive benefits because she failed to register timely, but believed it “wasn’t a big deal at that point” because she promptly found a new job after filing the claim. The claimant explained that months later, when that employment ended, she attempted to reopen her claim for benefits, and completed the registration requirement at that time. The claimant stated that she registered on or about June 12, 2025.

The evidence presented by the claimant as to her reason for not timely registering for work with the Michigan Works! Agency does not constitute good cause for her late registration.

Based on the foregoing, it is our opinion that the ALJ’s decision should be reversed, and the claimant held ineligible for benefits under the registration provision of the Act, Section 28(1)(a), from November 3, 2024 through June 7, 2025 (weeks ending November 9, 2024 through June 7, 2025).

Therefore,

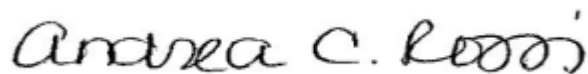
IT IS ORDERED that the ALJ’s decision is hereby REVERSED.

The claimant is ineligible for benefits under Section 28(1)(a) of the Act from November 3, 2024 through June 7, 2025 (weeks ending November 9, 2024 through June 7, 2025).

This matter is referred to the Agency for action consistent with this decision.



Alejandra Del Pino, Commissioner



Andrea C. Rossi, Commissioner

MIKHAIL ALBUSEIRI COMMISSIONER, DISSENTING:

After reviewing the record, I would affirm the ALJ’s decision, subject to correction, as I find the claimant is not ineligible (eligible) for benefits under Section 28(1)(a) of the Act for reasons other than those provided by the ALJ in her decision.

Specifically, I would strike the provision of the monetary determination that sets forth the registration requirement because I find the requirement to register “at least one business day

before” the claimant’s initial certification to be inconsistent with the Act. See MCL 421.4(1). To the extent that the Agency has imposed yet a different temporal stricture through its non-monetary adjudications, these new impositions also lack legal force, and I would set aside these attendant non-monetary adjudications as void *ab initio* on this basis alone. My reasons follow.

First off, in my opinion, our jurisprudence’s legal framework of the work registration requirement under the Act is well established.<sup>1</sup>

I would note that the Agency has recently made a subtle change to its late-registration-related jurisdictional documents that are included in the Commission’s file. Perhaps in response to this Commission’s repeated calls to supplement the administrative record with Agency records establishing the official date of a claimant’s initial certification, the Agency has obliged and now regularly supplies the same. Far from being merely a formalistic inclusion, however, the Agency now ties the registration deadline to the initial certification date, to the extent that the initial certification date falls within the window outlined in the monetary determination.<sup>2</sup>

At first blush, this would not seem objectionable. After all, Section 28(1)(a) prescribes no temporal strictures as to when registration must be accomplished *vis-à-vis* the certification/reporting component; the Act just requires it to be done according to Agency rule. And compared to the current long-standing registration directive that, in my mind, improperly dictates registration “at least one business day before you certify,” this change seemingly inures to the benefit of the claimant. However, to hold this change in policy legally harmless would do more harm than good because the underlying legal infirmity remains unaddressed.

Our unemployment insurance system arose out of the result of the passage of the Social Security Act. The U.S. Department of Labor’s guidance and advisories, in turn, require that state agencies give plain directives<sup>3</sup> to a claimant regarding unemployment insurance eligibility requirements,<sup>4</sup> and Michigan law, through a reading in *pari materia* between the Act and Michigan’s

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<sup>1</sup> The Act expressly grants the Unemployment Insurance Agency (Agency) rule-making authority, and Section 28(1)(a) of the Act specifically provides that a claimant must register “within the time period prescribed by the unemployment agency[.]” However, while this appears like a broad legislative delegation of authority, the Administrative Procedures Act (APA) explains that an agency’s prescription is by way of rules it promulgates. See MCL 24.207 (a rule includes “an agency regulation . . . that prescribes the organization, procedure, or practice of the agency”). Instructions on a form are expressly excepted from the definition of rules. See *Faircloth v Fam Indep Agency*, 232 Mich App 391, 402–03; 591 NW2d 314 (1998), quoting MCL 24.207(h). Similarly, agency guidelines lacking the force and effect of law also do not constitute a “rule” under the APA. MCL 24.207(h). Moreover, subsection (3) of MCL 421.4 strictly limits the promulgation of any rules or regulations to a specific rule-making process that requires, among others, a notice of a public hearing consistent with the APA, being MCL 24.201 et seq. While Mich Admin Code, R 421.208(1), loosely states that “a claimant shall register for work as instructed by the agency[.]” the Act’s requirement under Section 4 that a rule follow a precise rule-making process cannot be ignored, circumvented, or undone by issuing a rule, i.e., Mich Admin Code, R 421.208(1), stating that another set of “instructions,” however limiting the circumstance (e.g., registration), can be “announced” outside of the strictures of MCL 421.4.

<sup>2</sup> Where the claimant certifies outside of said window, the Agency substitutes the last date within that identified window as the registration deadline.

<sup>3</sup> “[A]ll individuals must have the opportunity to be informed of and take appropriate action(s) to . . . maintain their entitlement to UI[.]” Unemployment Insurance Policy Letter (UIPL) [REDACTED] pp. 3-4.

<sup>4</sup> “When determining monetary eligibility for UC, state agencies must advise the applicant of the state’s qualifying requirements and his/her potential eligibility under its law.” UIPL [REDACTED], p. 2.

Administrative Procedures Act, MCL 24.201 et seq., prescribes how agencies can accomplish this. See note 1 of this opinion.

However, just as the Agency has never promulgated a rule to set a deadline for registration “at least one business day before the initial certification,” it has not promulgated one to require registration by the initial certification date (or the last date within the initial certification window). Indeed, a reasonable reading of Section 28(1)(a) could also accommodate a rule that would require registration within a reasonable period from the initial certification. In short, in what can only be described as a pivot in Agency policy, the Agency has left unaddressed the structural problem, i.e., the lack of a properly promulgated rule.

Here, the claimant initially certified on November 19, 2024, and registered on June 12, 2025. While I do not find the time interval insignificant, because neither the monetary determination’s official work registration directive nor the nonmonetary adjudications’ new “standard” can form the basis for an Agency finding of ineligibility, neither should be given effect.

Accordingly, I would affirm the ALJ’s decision subject to correction as outlined above. As the Commission majority has chosen to do otherwise, I must respectfully dissent.



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Mikhail Albuseiri, Commissioner

MAILED AT LANSING, MICHIGAN December 2, 2025

This decision shall be final unless EITHER (1) the Unemployment Insurance Appeals Commission RECEIVES a written request for rehearing on or before the deadline, OR (2) the appropriate circuit court RECEIVES an appeal on or before the deadline. The deadline is:

**TO PROTECT YOUR RIGHTS, YOU MUST BE ON TIME. January 2, 2026**