

STATE OF MICHIGAN
UNEMPLOYMENT INSURANCE APPEALS COMMISSION

In the Matter of

[REDACTED]

[REDACTED]

25-002638

Claimant,

[REDACTED]

[REDACTED]

Employer.

DECISION OF UNEMPLOYMENT INSURANCE APPEALS COMMISSION

The claimant timely appeals to the Unemployment Insurance Appeals Commission (Commission) from an Administrative Law Judge (ALJ) August 27, 2025 order denying a request for rehearing.

Under Section 33(1) of the Michigan Employment Security Act (Act) and Mich Admin Code, R 792.11414(4), a rehearing is granted or denied at the discretion of the ALJ.

After reviewing the record, the Commission finds that there has not been an abuse of discretion. Therefore, the ALJ's August 27, 2025 order should be affirmed.

The Commission has reviewed the underlying ALJ's August 18, 2025 decision considering the evidence appearing in the record made prior to the claimant's request for rehearing. The ALJ's decision held the claimant disqualified for benefits under Section 29(1)(b) of the Michigan Employment Security Act (Act). The ALJ's hearing was held on August 14, 2025. The claimant and the employer appeared and presented testimonial evidence. No exhibits were admitted.

The claimant requested that the Commission allow additional evidence. The claimant did not serve the other parties with her request, as required by Mich Admin Code, R 792.11421. As a result, the Commission may not consider the claimant's request for additional evidence.

Having reviewed the ALJ record, we reverse the ALJ's decision and find the claimant not disqualified for benefits under Section 29(1)(b) of the Act.

FINDINGS OF FACT

On January 7, 2025, the claimant began working for the employer as a food service worker. The claimant received positive feedback from her employer about the claimant's work quality.

On June 11, 2025, the claimant last worked for the employer, when she was suspended pending an investigation. The employer did not provide a specific reason for suspending the claimant.

On June 20, 2025, the employer discharged the claimant, but the employer did not provide a specific reason for the claimant's discharge.

APPLICABLE LAW

Under Section 29(1)(b) of the Act, a claimant is disqualified for benefits if he or she was suspended or discharged for "misconduct connected with the individual's work."

In *Carter v Michigan Employment Security Commission*, 364 Mich 538,541; 111 NW2d 817 (1961), the Michigan Supreme Court stated:

In these cases, this Court adopted the classic definition of misconduct originally drafted by the Wisconsin supreme court in *Boynton Cab Co v Neubeck*, 237 Wis 249; 296 NW 636, 640:

'* * * the term 'misconduct' * * * is limited to conduct evincing such willful or wanton disregard of an employer's interests as is found in deliberate violations or disregard of standards of behavior which the employer has the right to expect of his employee, or in carelessness or negligence of such degree or recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to his employer. On the other hand, mere inefficiency, unsatisfactory conduct, failure in good performance as the result of inability or incapacity, inadvertencies or ordinary negligence in isolated instances, or good faith errors in judgment or discretion are not to be deemed 'misconduct' within the meaning of the statute.'

(Emphasis added.)

The employer has the burden of proving misconduct by "a preponderance of the evidence." *Bell v Employment Security Commission*, 359 Mich 649, 651; 103 NW2d 584 (1960).

A claimant's violations of an employer's rules may justify a discharge from employment, but those rule violations by themselves do not necessarily establish misconduct under Section 29(1)(b) of the Act. *Rasmus v Kirkhof Transformer*, 137 Mich App 311, 316; 357 NW2d 683 (1984).

[A] claimant's behavior *must be evaluated independently* from the terms of his [or her] employment contract. Failure to review claims in such an objective manner would lead to the inevitable result that claimants dismissed from different employers for similar wrongdoings would be accorded different treatment under the act. (Emphasis added.) *Hagenbuch v Plainwell Paper Company, Inc*, 153 Mich App 834, 838; 396 NW2d 556 (1986).

Evidence must be competent evidence. The Michigan Rules of Evidence, including the hearsay rule applicable in courts of law, govern proceedings for unemployment compensation benefits. *Miller v FW Woolworth Co*, 359 Mich 342; 102 NW2d 728 (1960).

The Commission “is vested with independent duty as well as plenary authority to decide each [claimant’s] qualification for benefits without regard for the fact or nature of opposition, if any, by the employer or, for that matter by the [Unemployment Insurance Agency] itself.” *Id.* at 350.

REASONING AND CONCLUSIONS OF LAW

The ALJ found misconduct. However, based on the Commission’s independent review of the evidence and the above Commission’s Findings of Fact, we find that the employer failed to prove it discharged the claimant for misconduct with competent evidence. *Miller, supra.*

None of the employer’s witnesses gave competent evidence of the reasons for the claimant’s discharge. In addition, no employer policies and no termination documents are in evidence.

We find therefore that the employer did not meet its burden of proof by a preponderance of the evidence. *Bell, supra.*

Accordingly, we conclude the ALJ’s decision should be reversed.

ORDER

IT IS THEREFORE ORDERED that the ALJ’s August 27, 2025 order denying the claimant’s request for rehearing is AFFIRMED.

IT IS FURTHER ORDERED that the ALJ’s August 18, 2025 decision is REVERSED.

IT IS FURTHER ORDERED that the claimant is NOT DISQUALIFIED under the misconduct provisions, Section 29(1)(b) of the Act.

IT IS FURTHER ORDERED that this matter is referred to the Unemployment Insurance Agency for action consistent with this decision.



George Wyatt III, Commissioner



Mikhail Albuseiri, Commissioner



William J. Runco, Commissioner

MAILED AT LANSING, MICHIGAN December 17, 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 16, 2026