STATE OF MICHIGAN
UNEMPLOYMENT INSURANCE APPEALS COMMISSION

In the Matter of

[redacted] Appeal Docket No.: [redacted]25-002620

Claimant, UIA Case No.: [redacted]

[redacted]

Employer.

DECISION OF UNEMPLOYMENT INSURANCE APPEALS COMMISSION

This matter is before the Unemployment Insurance Appeals Commission (Commission) pursuant to the employer's timely appeal from an August 13, 2025 decision by an Administrative Law Judge (ALJ). The ALJ's decision reversed a June 3, 2025 Unemployment Insurance Agency (Agency) redetermination and found the claimant not disqualified for benefits under the voluntary leaving provision of the Michigan Employment Security Act (Act), Section 29(1)(a). We note that the misconduct provision of the Act, Section 29(1)(b), was also included in the notice of hearing.

Having reviewed the record, we find the ALJ's decision must be modified. We agree with the ALJ's finding that the claimant did not voluntarily leave her employment and that the claimant is not disqualified for benefits under Section 29(1)(a) of the Act. However, we find the claimant was discharged from employment and that her actions did not constitute misconduct and thus, she is also not disqualified under Section 29(1)(b) of the Act. Our reasons are as follows.

Section 29(1)(b) of the Act provides as follows:

> (1) Except as provided in subsection (5), an individual is disqualified from receiving benefits if he or she:
>
> (b) Was suspended or discharged for misconduct connected with the individual's work or for intoxication while at work.

The Michigan Supreme Court has defined misconduct as follows:

> [C]onduct 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.

Carter v Employment Security Comm, 364 Mich 538; 111 NW2d 817 (1961), Commission Digest 12.01.

When the issue is misconduct, the employer bears the burden of proof. See *Bell v Employment Security Comm*, 359 Mich 649; 103 NW2d 584 (1960), Commission Digest 12.02. In order to meet that burden, the employer must introduce evidence that establishes by a preponderance that the claimant engaged in misconduct. See *Fresta v Miller*, 7 Mich App 58; 151 NW2d 181 (1967), Commission Digest 12.61. Misconduct exists when the actions that resulted in the claimant's discharge fall within the definition set forth in *Carter, supra*.

We note the employer had the burden of proving the claimant quit or was discharged for misconduct. *Ackerberg v Grant Community Hospital*, 138 Mich App 295; 360 NW2d 599 (1984), Commission Digest 10.11.

In the instant matter, the employer indicated that it communicated with the claimant and informed her that she could not return to work if she did not fill out the Family and Medical Leave Act (FLMA) paperwork by February 28, 2025. The claimant stated that she informed the employer through a text message in the morning on February 28, 2025 that she was in the process of completing the FMLA paperwork. Exhibit 1.

The claimant stated that the thereafter, the employer responded through a text message. She indicated that the message provided that the claimant could not continue employment, and she needed to turn in her keys, laptop, and any other city property in her possession that day. Exhibit 1.

Based on the foregoing, we find that the claimant was actually discharged from employment on February 28, 2025. On this record, we find the employer did not meet its burden of proof and failed to establish that the claimant's actions constituted misconduct, and consequently, the claimant is not disqualified for benefits under Section 29(1)(b) of the Act.

Therefore,

IT IS ORDERED that the ALJ's decision is hereby MODIFIED.

The claimant is not disqualified for benefits under the misconduct provision of the Act, Section 29(1)(b).

The claimant is not disqualified for benefits under the voluntary leaving provision of the Act, Section 29(1)(a).

The claimant may receive benefits if otherwise eligible and qualified.

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

Alejandra Del Pino, Commissioner

George Wyatt III, Commissioner

William J. Runco, Commissioner

MAILED AT LANSING, MICHIGAN December 30, 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 29, 2026