

STATE OF MICHIGAN
UNEMPLOYMENT INSURANCE APPEALS COMMISSION

In the Matter of

[REDACTED]

Appeal Docket No.: [REDACTED] 25-003758

Claimant,

UIA Case No.: [REDACTED]

[REDACTED]

Employer.

REMAND ORDER

This case is before the Unemployment Insurance Appeals Commission (Commission) on the claimant and Unemployment Insurance Agency's (Agency) timely appeals of an Administrative Law Judge's (ALJ) decision issued on December 9, 2025. The ALJ's decision reversed the October 2, 2025 *Denial of Request for Redetermination* (DRR) issued by the Agency. The decision also remanded the underlying September 30, 2022 redetermination to the Agency to "provide claimant the applicable thirty-day appeal period in which to file a protest."

There were three issues before the ALJ in this matter: whether the claimant established good cause for late protest of a September 30, 2022 redetermination under Section 32a(2) of the Michigan Employment Security Act (Act); whether the claimant was disqualified from benefits under Section 29(1)(a) of the Act; and whether the claimant's leaving was exempt from Section 29(1)(a) via operation of Section 29(5) of the Act.

After reviewing the record, we find that the ALJ's decision must be set aside and this matter remanded to the ALJ to issue a new decision. Our reasons are as follows.

After the ALJ's review of the evidence, the ALJ determined that the time period for the claimant to appeal the redetermination was tolled under *McBride v Americana Mobile Home Park, Inc*, 173 Mich App 275; 433 NW2d 336 (1988). We agree. Under *McBride*, when a party asserts non-receipt of a determination and the Agency does not offer proof of service, the 30-day period to appeal is tolled, even if the appeal is received more than one year later.

However, at the next step, the ALJ erred. The ALJ returned jurisdiction to the Agency to "provide the claimant the applicable thirty-day period in which to file a protest." **We apply the same rationale here as in Commission Appeal Docket No. 25-003560 *en banc* remand order issued February 27, 2026 (Rossi and Del Pino concurring).**¹ There, the Commission held, in part, that the ALJ's decision to reverse the DRR and remand to the Agency deprived the claimant of her right under Section 33(1) of the Act to have all matters pertinent to her benefit rights decided by an ALJ. Furthermore, the remand violated the administrative rule that specifically governs appeals

¹ A link to the remand order can be found at <https://bit.ly/4l62j2E>. You may request a paper copy by calling (517) 284-9300 or sending an email to LEO-UIAC-Info@michigan.gov. As to the citation form, the Commission redacts party and witness names in its published decisions to protect privacy.

from DRRs, Mich Admin Code, R (Rule) 792.11406(2), which grants parties the right to a hearing and a ruling *by an ALJ* on whether there is good cause for a redetermination. As such, ALJs err when they remand an underlying (re)determination to the Agency to “reset” the appeals process.

The criteria for tolling under *McBride* (non-receipt of the determination), overlaps with the criteria set forth in Rule 421.270(d) and Rule 421.270(e). If the ALJ determines that the claimant established the criteria for tolling under *McBride*, then the claimant also establishes good cause for the late protest under that rule.

Here, the claimant credibly testified to non-receipt of the redetermination and, thus, established good cause under Section 32a(2) for the late protest. Accordingly, the ALJ had jurisdiction to address the underlying issue, disqualification under Section 29(1)(a) of the Act.

However, in this case, the current record is not sufficient for the Commission to issue a decision on the merits. The ALJ did not adequately develop the record on the underlying issues involving Section 29(1)(a) and Section 29(5) of the Act. Accordingly, the Commission must return this matter to the ALJ for additional evidence and testimony as outlined herein.

At the hearing, the claimant and the leaving-to-accept employer both testified that the claimant and his team from the involved employer, [REDACTED] were transferred over to the leaving-to-accept employer, [REDACTED]. Both parties asserted that the claimant never voluntarily left employment with the involved employer.

We find that the record was insufficiently developed, and additional evidence is required to determine: (1) whether the claimant was separated from employment with the leaving-to-accept employer; (2) if so, when that separation occurred and for what reasons; (3) and was the position with the leaving-to-accept employer permanent or temporary.

Without testimony on these facts, the Commission does not have sufficient information to render a decision in this matter.

IT IS THEREFORE ORDERED that the ALJ’s decision is SET ASIDE.

IT IS FURTHER ORDERED that the ALJ shall take additional evidence and testimony on:

- (1) whether the claimant was separated from employment with the leaving-to-accept employer;
- (2) if so, when that separation occurred and for what reasons; and
- (3) was the position with the leaving-to-accept employer permanent or temporary.

The ALJ may take additional evidence and testimony as he or she believes is necessary.

After receiving evidence, the ALJ shall consider the entire record (including the prior December 8, 2025 hearing), make new findings of fact and issue a new decision consistent with those findings.

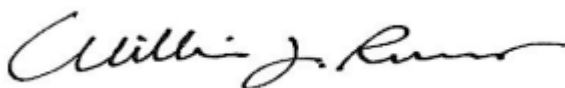
The Commission retains no jurisdiction in this matter.



George Wyatt III, Commissioner



Mikhail Albuseiri, Commissioner



William J. Runco, Commissioner

DATED AND MAILED AT
LANSING, MICHIGAN, ON

March 12, 2026

If You Need Help With Your Appeal

You are receiving this list because you may seek to obtain help with your appeal at the Unemployment Insurance Appeals Commission (Commission) or at a hearing before an administrative law judge (ALJ) if your case is remanded. **Below is a listing¹ of attorney and non-attorney agents who represent claimants, employers or both in appeals before the Commission².** You are not required to have a representative. Your appeal will be considered by the Commission regardless of whether you have an attorney or agent represent you.

Some of the representatives **offer their services for free**, others charge a fee. **It is your responsibility to contact the attorney or agent to determine the scope and cost of the representation.** The Commission does not endorse and makes no representations about the individuals or organizations in this list. The Commission does not guarantee that any representative will take your case. Representatives that also handle cases in state and/or federal court are designated in the listing in the far right hand column.

Please note the deadlines for filing applications for oral argument, written argument and additional evidence at the Commission are set forth in the enclosed Important Notice.

No-Charge Representatives for Unemployment Insurance Appeals

The following organizations provide **free** representation for parties who satisfy that organization's eligibility requirements.

*These organizations accept fraud cases.

Entity	Area Served & Contact Information	Parties Represented	Court
Counsel and Advocacy Law Line / Lakeshore Legal Aid* (will consider fraud cases)	Statewide 1.888.783.8190	Claimants	State and Federal Courts
Farmworker Legal Services*	Statewide 1.800.968.4046 Farmworker Law Hotline	Agricultural Workers (Claimants)	State and Federal Courts
Legal Aid of Western Michigan *Prioritizes fraud cases	Counties: Allegan, Berrien, Cass, Ionia, Kalamazoo, Kent, Lake, Mason, Mecosta, Montcalm, Muskegon, Newaygo, Oceana, Osceola, Ottawa, St. Joseph, Van Buren 616.774.0672 Kent County 888.783.8190 All other counties www.lawestmi.org	Claimants	State and Federal Courts
Legal Services of Eastern Michigan	Counties: Arenac, Bay, Clare, Genesee, Gladwin, Gratiot, Huron, Isabella, Lapeer, Midland, Saginaw, Sanilac, St. Clair, Tuscola 800.322.4512 www.lsem-mi.org	Claimants who pass the income, asset, & citizenship screening	State and Federal Courts
Legal Services of South Central Michigan* (will consider fraud cases)	Counties: Barry, Branch, Calhoun, Clinton, Eaton, Hillsdale, Ingham, Jackson, Lenawee, Livingston, Monroe, Shiawassee, Washtenaw 734.665.6181 Toll Free: 1.888.665.6181 15 S. Washington St.	Claimants who meet financial eligibility requirements (125% of	State Courts

¹ Inclusion in this list is voluntary by each of the listed individuals and organizations. This list is non-exclusive. There may be other attorneys or non-attorney agents able to help you.

² This list is separate and apart from the Advocacy Program which provides free representation for certain cases at ALJ hearings.

	Ypsilanti, MI 48197 www.lsscm.org	federal poverty level)	
Sugar Law Center for Economic and Social Justice*	Statewide 313.993.4505 tparis@sugarlaw.org	Claimants	State and Federal Courts

Fee-Based Representatives for Unemployment Insurance Appeals

*These representatives accept fraud cases.

Entity	Area Served & Contact Information	Parties Represented	Court
Carlisle, Carol*	Statewide 269.214.8803	Employers	
Cortese, Nanette L.* The Cortese Law Firm, PLC	Statewide 30200 Telegraph Road, Suite 400 Bingham Farms, MI 48025 248.593.6933 www.thecorteselawfirm.com	Claimants	State Courts
Dovitz, Susan*	Statewide 248.417.8931 susandovitz@gmail.com	Claimants & Employers	State Courts
Doyle, Pamela	Statewide 989.354.6960 and 989.464.8246 uiaspecialist@gmail.com	Claimants & Employers	
Grosjean, Glenda*	Statewide 313.729.9798 unemploymentadvocates@yahoo.com	Claimants	
Lochard, Beverly*	Statewide 866.554.8165 beverlylochardlaw@gmail.com	Claimants & Employers	State and Federal Courts
Postoian, Robert*	Statewide 248.798.8116 mrashleys@aol.com	Claimants & Employers	State Courts
Sanger, Brendan*	Statewide 888.729.2253 attorneysanger@gmail.com	Claimants	State Courts
Shane, Renee*	Statewide 248.255.8225 reneeshane@hotmail.com	Claimants	
Sutton, Dwaine C.*	Statewide 616.455.6515 2010 44 th Street SE, Grand Rapids MI 49508 dwainecs@yahoo.com	Claimants & Employers	State Courts
Wassel, Irene*	Statewide 586.552.9947 irene.wassel@gmail.com	Employers	State Courts
Webster, Stella*	Statewide 248.420.6437 1103 Crestmont Drive Lake Orion MI 48362 stella@nahma.net	Claimants	State Courts
Willenbrecht, Edith*	Statewide 248.495.6536 and 888.405.7004 2670 Buckner Rd., Suite 200	Claimants & Employers	State Courts

	Lake Orion MI 48362 attyedith@hotmail.com		
Wolff, Erica*	Statewide 248.544.7740 and 248.563.8795 wolffgreen@yahoo.com	Employers	State Courts