

Attached is a decision of the Unemployment Insurance Appeals Commission (Commission). This decision **WILL BECOME FINAL** unless further action is taken by you. It is important that you pay attention to all filing deadlines. The mailed date and the filing deadline can be found at the bottom of the last page of the Commission decision.

The Michigan Employment Security Act (The Act) provides three separate options for seeking relief from decisions or final orders of the Commission.

### **1. APPEALS TO CIRCUIT COURT**

You may appeal a final order or decision of the Commission to Circuit Court within **30 days** after the mailed date of the decision.

An appeal of a final decision to Circuit Court can be filed in the county in which the claimant resides or the circuit court of the county in which the claimant's place of employment is or was located, or, if a claimant is not a party to the case, the circuit court of the county in which the employer's principal place of business in this state is located. Application for review shall be made within 30 days after mailing a copy of the order or decision by any method permissible under the rules and practices of the circuit courts of this state. **Circuit court claims of appeal are to be filed with the clerk of the appropriate circuit court.**

### **2. REHEARING**

You may file for rehearing with the Commission within **30 days** after the mailed date of the decision. A party requesting a rehearing shall serve the request on all other parties at the time of filing with the Commission.

The Act provides that the Commission may, either upon application by an interested party for rehearing or on its own motion, proceed to rehear, affirm, modify, set aside, or reverse a prior decision on the basis of the evidence previously submitted or on the basis of additional evidence. An application for rehearing must be submitted within **30 days** of the mailed date by personal service, postal delivery, electronic delivery, or facsimile transmission to the contact information shown at the bottom of the page.

### **3. REOPENING**

You may file for reopening with the Commission **after** the 30-day appeal period expires but within 1 year after the date of mailing.

The Act provides that the Commission may, for good cause, reopen and review a prior decision and issue a new decision **after** the 30-day appeal period has expired, but a review shall not be made unless the request is filed with the Commission, or review is initiated by the Commission with notice to the interested parties, within 1 year after the date of mailing of the prior decision. A request for reopening must be submitted by personal service, postal delivery, electronic delivery, or facsimile transmission to the contact information shown at the bottom of this page.

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STATE OF MICHIGAN  
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY  
UNEMPLOYMENT INSURANCE APPEALS COMMISSION  
P.O. Box 30475  
Lansing, MI 48909-7975  
1-800-738-6372 or (517) 284-9300  
Fax: (517) 241-7326  
[www.michigan.gov/uiac](http://www.michigan.gov/uiac)  
[LEO-UIAC-Info@michigan.gov](mailto:LEO-UIAC-Info@michigan.gov)

STATE OF MICHIGAN  
UNEMPLOYMENT INSURANCE APPEALS COMMISSION

In the Matter of

[REDACTED]

Appeal Docket No.: [REDACTED] 25-003556

Claimant,

UIA Case No.: [REDACTED]

[REDACTED]

Employer.

DECISION OF UNEMPLOYMENT INSURANCE APPEALS COMMISSION

This case is before the Unemployment Insurance Appeals Commission (Commission) on the Unemployment Insurance Agency's (Agency) timely appeal of an Administrative Law Judge's (ALJ) decision issued on November 12, 2025. The ALJ's decision reversed the October 23, 2025 *Denial of Request for Redetermination* (DRR) issued by the Agency. The decision also remanded the underlying March 20, 2023 determination to the Agency to "provide claimant the applicable thirty-day appeal period in which to file a protest."

The claimant filed a request to submit additional evidence in this matter. However, the claimant's additional evidence request was not submitted in accordance with Mich Admin Code, R (Rule) 792.11421, and consequently, the Commission could not consider the request.

There were two issues before the ALJ in this matter: whether the claimant established good cause for late protest of a March 20, 2023 determination under Section 32a(2) of the Michigan Employment Security Act (Act); and whether the claimant was ineligible for benefits under the availability provision of the Act, Section 28(1)(c), from October 25, 2020 and continuing.

After reviewing the record, we find that the ALJ's decision must be modified. The claimant's appeal period of the March 20, 2023 determination is tolled under *McBride v Americana Mobile Home Park, Inc.*, 173 Mich App 275; 433 NW2d 336 (1988). The claimant is not ineligible for benefits under Section 28(1)(c) of the Act, from October 25, 2020 and continuing. 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 determination 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.

The claimant did not receive the determination and was unaware that it had been issued until September 2025. As the Agency did not offer proof of service, the appeal period is tolled under *McBride*.

The ALJ's decision, however, returned jurisdiction to the Agency to "provide claimant the applicable thirty-day appeal period in which to file a protest." **The ALJ declined to include any authority or rationale to explain or support that decision.**

Once the ALJ made a finding that *McBride* applied, the ALJ had the authority and sufficient record evidence to decide the underlying issue. 20 CFR 650.1(a) sets forth that "[t]he standard seeks to assure that all administrative appeals affecting benefit rights are heard **and decided** with the greatest promptness that is administratively feasible." (Emphasis added). The ALJ should have proceeded to adjudicate the case on the merits instead of remanding to the Agency.

We now turn to the underlying availability under Section 28(1)(c) of the Act. Section 28(1)(c) provides, in relevant part:

The individual is able and available to appear at a location of the unemployment agency's choosing for evaluation of eligibility for benefits, if required, and to perform suitable full-time work of a character that the individual is qualified to perform by past experience or training, which is of a character generally similar to work for which the individual has previously received wages, and for which the individual is available, full time, either at a locality at which the individual earned wages for insured work during his or her base period or at a locality where it is found by the unemployment agency that such work is available.

The claimant has the burden of proving eligibility for unemployment benefits. *Dwyer v Unemployment Compensation Comm*, 321 Mich 178; 32 NW2d 434 (1948).

The claimant's un rebutted and credible testimony established availability for full-time work from October 25, 2020 onwards. The claimant testified to having no availability barriers.

Based on the foregoing, we find that the ALJ's decision must be modified. The claimant's appeal period of the March 20, 2023 determination is tolled under *McBride*. We also find that the claimant is not ineligible ("eligible") for benefits under the availability provision of the Act, Section 28(1)(c), from October 25, 2020 and continuing, but noting that claimant's benefit year end date was October 23, 2021. This case is limited to the claim filed October 27, 2020 with benefit year beginning October 25, 2020 and ending October 23, 2021.

A "Weeks of OverPayment" document, UIA Form 1301, was mailed on March 20, 2023 and was sent to the claimant along with the March 20, 2023 determination. That UIA Form 1301 lists weeks into 2022. 2022 was well after the claimant's benefit year end date for this claim.

The UIA Form 1301 had the same claim number as the monetary determination, determination, and DRR in this case. While the "Weeks of OverPayment" document states that "[t]hese weeks may be the result of one or more decisions," the notice lacks sufficient information to enable a claimant to understand the sources of or reasons for the alleged overpayments.

Therefore,

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

Under *McBride*, the claimant's appeal period of the March 20, 2023 determination is tolled.

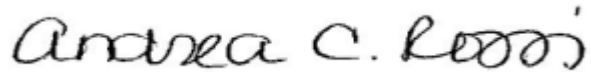
The claimant is not ineligible (i.e, is eligible) for benefits under the availability provision of the Act, Section 28(1)(c), from October 25, 2020 and continuing.

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



Andrea C. Rossi, Commissioner



Sheryl McGrath, Commissioner

MAILED AT LANSING, MICHIGAN March 23, 2026

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. April 22, 2026**

## English

**IMPORTANT!** This document(s) contains important information about your unemployment compensation rights, responsibilities and/or benefits. It is critical that you understand the information in this document.

**IMMEDIATELY:** If needed, call 1-866-500-0017 for assistance in the translation and understanding of the information in the document(s) you have received.

## Arabic

مهم! نم. كعدئ اوف وأ / و كعدئ ايل وؤس جو كئ اطلبنا تاضئ يوعت قوقح نع مدم تامول عم ىلع (قئ اتول) قئ يتول هذئ ائوتحت ا مهم دنسمل ا اذئ ىف كدراول تامول عمل ا مهفت نأ

(قئ اتول) قئ يتول ىف تامول عمل ا مهفو تم جرت ىف كدع اسمل ل 1-866-500-0017 ىلع لصرتا ،رمأل ا مزل اذئ :روفلا ىلع اهتئ قلت ىتل ا

## Spanish

**¡IMPORTANTE!** Este (s) documento (s) contiene información importante sobre sus derechos, responsabilidades y / o beneficios de compensación por desempleo. Es fundamental que entienda la información de este documento.

**INMEDIATAMENTE:** Si es necesario, llame al 1-866-500-0017 para obtener ayuda en la traducción y comprensión de la información en el documento (s) que ha recibido.

## Mandarin

**重要！** 本文件包含有关您的失业补偿权利，责任和/或利益的重要信息。了解本档中的信息至关重要。

**立即：**如果需要，请致电1-866-500-0017以协助翻译和了解您收到的文件中的信息。

## Albanian

**E rëndësishme!** Ky dokument përmban informacione të rëndësishme për të drejtat, përgjegjësitë dhe / ose përfitimet e papunësisë. Është e rëndësishme të kuptojmë informacionin në këtë dokument.

**Menjëherë:** Nëse është e nevojshme, telefononi 1-866-500-0017 për të ndihmuar në përkthimin dhe kuptimin e informacionit në dokumentet që keni marrë.