

State of Michigan
Civil Service Commission
EMPLOYMENT RELATIONS BOARD
400 South Pine Street, Suite 102, Lansing, Michigan 48913
or P.O. Box 30002, Lansing, Michigan 48909
TELEPHONE: (517) 335-5588
FAX: (517) 335-2884
E-MAIL: MCSC-ERB@michigan.gov
WEB SITE: www.mi.gov/erb

Instructions: Please review the instructions and checklist before completing this form. A PowerPoint presentation on how to file is also available at www.mi.gov/erb.

APPLICATION FOR LEAVE TO APPEAL TO THE EMPLOYMENT RELATIONS BOARD

Part A — CASE NAME			
DECISION NUMBER		REFERENCE NUMBER	
Part B — PROVIDE A BRIEF, CHRONOLOGICAL HISTORY OF YOUR COMPLAINT OR GRIEVANCE. (Additional sheets may be attached, if needed. If completing electronically, you may use the tab key when you reach the end of this section for more space.)			
Part C — CHECK AT LEAST ONE BOX AND EXPLAIN THE GROUNDS FOR APPEAL. (Additional sheets may be attached, if needed. If completing electronically, you may use the tab key when you reach the end of this section for more space.)			
<input type="checkbox"/> The decision of the adjudicating officer is erroneous. (If selecting this ground, you must identify specific and material errors of fact or law in the decision. You must reference specific evidence and testimony in the record supporting your arguments.)			
<input type="checkbox"/> The decision violates Article 11, Section 5 of the Michigan Constitution or is otherwise contrary to law, including the Civil Service Commission Rules or Civil Service Regulations. (If selecting this ground, you must (1) identify the specific rule, regulation, or other provision violated by the adjudicating officer's decision and (2) explain how the decision violates that provision.)			
<input type="checkbox"/> The question presented in the decision is of major significance to the classified service. (If selecting this ground, you must identify how the issues raised in your appeal affect, or could affect, not just yourself, but many others in the classified service.)			
Part D — INDICATE WHO IS SUBMITTING THE APPLICATION AND PROVIDE THE INFORMATION REQUESTED. If there is more than one appealing party, attach form CS-1793 or additional sheets providing the contact information requested below for each appealing party. If there is an Authorized Representative, also provide the requested information for the representative.			
Form completed by: (check one) <input type="checkbox"/> APPEALING PARTY <input type="checkbox"/> APPEALING PARTY'S AUTHORIZED REPRESENTATIVE			
APPEALING PARTY'S NAME (Please print)		APPEALING PARTY'S REPRESENTATIVE'S NAME (Please print)	
EMPLOYEE IDENTIFICATION NUMBER		ORGANIZATION	
STREET ADDRESS/P.O. BOX		STREET ADDRESS/P.O. BOX	
CITY		CITY	
STATE	ZIP	STATE	ZIP
PHONE NUMBER		PHONE NUMBER	FAX NUMBER
E-MAIL ADDRESS		E-MAIL ADDRESS	
SIGNATURE OF APPEALING PARTY OR REPRESENTATIVE			DATE

**INSTRUCTIONS FOR COMPLETING AN
APPLICATION FOR LEAVE TO APPEAL TO THE EMPLOYMENT RELATIONS BOARD**

A PowerPoint slideshow explaining how to file an application for leave to appeal is available at www.mi.gov/erb.

Regulation 8.05, *Employment Relations Board Appeal Procedures*, establishes standards for appealing decisions of adjudicating officers to the Civil Service Commission (CSC) through the Employment Relations Board (Board). Use this form to appeal all adjudicating officer decisions, except decisions over non-exclusively represented employee discharges. Use Form CS-1756, *Claim of Appeal as of Right to the Employment Relations Board* to appeal such discharges.

Deadline — The original signed application, six complete copies (**seven copies total**), and a *Proof of Service* must be **received** in the Board office **within 28 calendar days** of the mailing date on the front of the adjudicating officer's decision. An extension for filing of up to 28 days is available if you obtain (1) the agreement of the other parties or (2) permission from the Board office for a sufficient reason. An extension must be requested before the deadline for filing has passed. Regulation 8.06, *Computing Time and Filing Documents*, should be referenced for other filing requirements.

Filing checklist — Incomplete or late filings can lead to delay or dismissal of your application.

- Part A — Identify the case being appealed.** Enter the Case Name, Decision Number (such as CSHO 2011-001 or TAD 2011-001, etc.), and Civil Service Reference Number from the front page of the adjudicating officer's decision.
- Part B — Briefly describe the events, dates, and findings leading up to this application.** Provide a brief, chronological outline (with dates) of the history of your current complaint. Save legal arguments for Part C.
- Part C — Identify and explain grounds for appeal.** Check at least one box and then **explain** the grounds for appeal. Failure to meaningfully explain grounds for appeal can result in delay or dismissal. Present your arguments about the merits of your appeal here. Merely stating that the adjudicating officer's decision is wrong or unfair is insufficient. If your appeal is lengthy, list your major points and give detail about each, using subheadings.
- Part D — Identify the appealing party and any representative.** Check the appropriate box to indicate who is submitting the application for leave to appeal. The appealing party must (1) sign and date the form and (2) provide contact information for the appealing party and any authorized representative. For group appeals, an authorized representative may sign on behalf of the group and provide all group members' contact information on a CS-1793 form or an attached sheet.
- Provide copies of the application to the Board and to other parties.** Send the **original application and six complete copies (seven copies total)** to the Board at the address on the front of this form. Retain a copy for your records. If initially submitting by fax or e-mail, the Board must **receive** the original signed application and six complete copies within seven calendar days. You do not need to include documents already submitted to the adjudicating officer. A copy of the application and any attachments **must** simultaneously be delivered to all other parties (including interested parties) or their representatives who participated in the decision being appealed. The officer who issued a Technical Review Officer or State Personnel Director decision must also be provided a copy of any application appealing his or her decision.
- Provide the Board Proof of Service on all other parties and interested parties.** When submitting your application, you **must** also provide the Board a completed *Proof of Service* form (CS-1740) or a statement showing the names and addresses of those served, documents served, date served, and manner of service. Copies of the *Proof of Service* form do **not** need to be given to the other parties.
- Request permission for any additions to the record.** The record is closed when the adjudicating officer's final decision is issued. Regulation 8.05, §4.L only allows new evidence under limited circumstances. To offer new evidence, you **must** submit a written motion explaining (1) why the evidence is offered now instead of earlier, and (2) a legally sufficient reason to accept the new evidence. The Board will reject new evidence if no motion is offered.
- Explain any untimeliness.** If your application is late, you **must** explain your lateness or your application will be dismissed. A written motion requesting permission to file a late application must accompany the filing and must demonstrate good cause or special extenuating circumstances for the lateness.

After receiving the completed application for leave to appeal, other parties may file a reply brief within 28 calendar days of service (mailing date) of your application for leave to appeal and **must** send you a copy. Regulation 8.05 does not permit a response to a reply brief. The Board will review the adjudicating officer's decision, record, application for leave to appeal, and reply brief and decide whether to grant leave to appeal. If leave is granted, parties may be asked to submit additional briefs and appear before the Board. All parties will be notified in writing of the Board's recommended or final decision. The Board's decision will be forwarded to the CSC automatically for its consideration.

Regulation 8.05, Regulation 8.06, the CS-1740 *Proof of Service* form, and other information about appealing an adjudicating officer's decision are available at www.mi.gov/erb or from the Board office.