

R 792.11425 Transfer of proceeding pending before administrative law judge.

Rule 1425. (1) A party to a proceeding pending before an administrative law judge may file a regular application to the Michigan compensation appellate commission for either of the following:

- (a) Transfer of the proceeding to the Michigan compensation appellate commission.
- (b) Transfer of the proceeding to another administrative law judge.

(2) A party may file 2 regular applications for transfer. A regular application shall be filed at least 3 business days before the pending scheduled hearing. An application received after business hours shall be considered filed the next business day.

(3) A party may file a delayed application for transfer. A delayed application is one filed less than 3 business days before the pending scheduled hearing. The Michigan compensation appellate commission may grant a delayed application for sufficient cause shown, that establishes both of the following:

- (a) That circumstances leading to the delay were beyond the control of the applicant.
- (b) That to hold the hearing would violate due process.

(4) A party may file an extenuating circumstances application for transfer. An extenuating circumstances application may be filed after a party has filed 2 or more applications, in any combinations of subrule (2), (3), or (4) of this rule. The Michigan compensation appellate commission may grant the application for sufficient cause shown that establishes both of the following:

- (a) That suspending the proceeding will not create undue hardship for the opposing party.
- (b) That holding the hearing would violate due process.

(5) As soon as practicable, the Michigan compensation appellate commission shall notify the administrative law judge of 1 of the following:

- (a) That a regular application for transfer is pending.
- (b) That an application for delayed transfer is granted.
- (c) That an application for extenuating circumstances transfer is granted.

(6) Upon notification under subrule (5) of this rule, the administrative law judge shall immediately issue an order suspending any further proceedings before him or her that involve the pending or granted application.

(7) Upon its own motion, or in response to an application under subrules (2), (3), or (4) of this rule, the Michigan compensation appellate commission shall determine whether sufficient cause exists to transfer the proceeding.