

November 29, 2020

Julie Petrik
Unemployment Insurance Appeals Commission
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P.O. Box 30475
Lansing, MI 48909-7975
PetrikJ@michigan.gov

Sent via email: PetrikJ@michigan.gov

Re: Addendum to: Recommendations for Improving the Unemployment Insurance Appeals Commission

Dear Ms. Petrik:

On 01/27/2020, the Workers' Rights Clinic (formally known as the Unemployment Insurance Clinic) provided our recommendations for improving the Unemployment Insurance Appeals Commission ("the Commission"). We write to you now to add an additional rule to that list.

Our additional recommendation is as follows:

The Commission Should Provide Counsel for Claimants (Rule)

Michigan's Unemployment Insurance adjudication process is confounding for the average claimant. It is often difficult for them to understand their determinations as well as Agency procedure. They infrequently possess the legal sophistication to read and understand the Michigan Employment Security Act, let alone to know what arguments they need to make at their hearings. Employers, on the other hand, have access to far more resources because not only do they have income (unlike claimants), but also because they often have Human Resource departments prepared to advocate on their behalf. *Pro se* claimants' severe disadvantages place them at risk of eviction and hunger. Michigan's rework requirement adds to these risks. These imbalances are contrary to the Act's stated purpose. We propose the following rule:

Where an Unemployment Insurance claimant is indigent (defined as below 200% of the federal poverty guidelines), the Commission shall appoint counsel. Furthermore, the Commission may provide defense to those over 200% of the poverty line on the claimant's motion or by the Commission's own motion. In making the determination as to whether the assistance of counsel is needed, the Commission may consider the personal characteristics of the claimant such as age, mental capacity, education and knowledge of the law and of legal proceedings, and the complexity of the case.

Thank you for your commitment to improving access and fairness in the UI administrative system. The Clinic appreciates being involved in as the Commission moves forward to accomplish its goals. We can be reached by phone or email to discuss any of our recommendations further. Thank you for your time and consideration.

Sincerely,

/s/ Rachael Kohl

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