STATE OF MICHIGAN UNEMPLOYMENT INSURANCE APPEALS COMMISSION

In the Matter of

Appeal Docket No.:	264016
11	

Claimant.

UIA Case No.:

DECISION OF UNEMPLOYMENT INSURANCE APPEALS COMMISSION

This case is before the Unemployment Insurance Appeals Commission (Commission) as a result of a timely appeal by the Unemployment Insurance Agency (Agency) from a May 19, 2021 Administrative Law Judge (ALJ) decision. The decision modified a March 30, 2021 Agency Pandemic Unemployment Assistance (PUA) monetary redetermination and found the claimant ineligible for benefits as of June 5, 2020. The Agency's PUA monetary redetermination reversed a July 13, 2020 monetary determination and found the claimant ineligible for benefits as of March 8, 2020. After reviewing the record, the Commission finds that the ALJ's decision should be reversed, the Agency's March 30, 2021 PUA monetary redetermination should be set aside, that the Agency's July 13, 2020 monetary determination is final, and that the claimant is qualified for and entitled to PUA benefits as of March 8, 2020.

On July 13, 2020 the Agency issued a monetary determination which found the claimant qualified for PUA benefits and entitled to 39 weeks of benefits effective March 8, 2020. More than 30 days later, on March 30, 2021, the Agency reversed course and issued a monetary redetermination which stated that the claimant did not meet the requirements for PUA benefits and that the redetermination was effective beginning March 8, 2020.

PUA was established by the Coronavirus Aid, Relief, and Economic Security (CARES) Act and incorporates the appeal rights and procedures of state unemployment insurance laws.¹ Accordingly, the finality provisions of the Michigan Employment Security Act (Act) apply to PUA benefit determinations, just as they do to regular benefit determinations. In this case, we find that the Agency exceeded its jurisdiction under Section 32a of the Act when it issued the March 30, 2021 monetary redetermination.

¹ See 15 U.S. Code § 9021(c)(5)(b)(ii).

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Section 32a(1) of the Act provides that a determination becomes final if it is not protested within 30 days. Thereafter, a determination may only be redetermined upon a showing of good cause as defined in Michigan Administrative Code Rule (Rule) 421.270.

Rule 270 provides:

(1) In determining if good cause exists under sections 32a, 33, and 34 of the act, after the 30-day protest or appeal period has expired, for reconsideration of any prior determination or redetermination or for reopening and review, good cause shall include, but not limited to, any of the following situations: (a) If an interested party has newly discovered material facts which, through no fault of the party, were not available to the party at the time of the determination, redetermination, order, or decision. However, a request for reconsideration of a determination or redetermination or for reopening a decision or order made after the expiration of the statutory 30-day period solely for the purpose of evading or avoiding such statutory period is not for good cause. (b) If the agency has additional or corrected information. (c) If an administrative clerical error is discovered in connection with a determination, redetermination, order, or decision. (d) If an interested party has a legitimate inability to act sooner. (e) If an interested party fails to receive a reasonable and timely notice, order, or decision. (f) If an interested party is prevented from acting sooner due to an untimely delivery of a protest, appeal, or agency document by a business or governmental agency entrusted with delivery of mail. (g) If an interested party has been misled by incorrect information from the agency, the office of appeals, or the board of review.

In the instant matter, the Agency's March 30, 2021 PUA monetary redetermination was issued more than 30 days after the issuance of the July 13, 2020 PUA monetary determination and was done so without a finding of good cause. As stated above, absent a showing of good cause, the monetary determination became final and the Agency could not properly issue the March 30, 2021 PUA monetary redetermination. That being the case, the Commission finds that the ALJ's May 19, 2021 decision should be reversed, the Agency's March 30, 2021 PUA monetary redetermination is final, and that the claimant is eligible for PUA benefits as of March 8, 2020.

Therefore,

IT IS ORDERED that the ALJ's May 19, 2021 decision is reversed.

IT IS FURTHER ORDERED that the Agency's March 30, 2021 PUA monetary redetermination is set aside.

IT IS FURTHER ORDERED that the Agency's July 13, 2020 PUA monetary determination is final.

IT IS FURTHER ORDERED that the claimant is eligible for PUA benefits as of March 8, 2020.

IT IS FURTHER ORDERED that this matter is referred to the Agency for action consistent with this decision.

IT IS FURTHER ORDERED that the Commission retains no jurisdiction in this matter.

/illiam J. Runco

Commissioner

Julie A. Petrik

Chairperson

Lester A. Owczarski

Commissioner

MAILED AT LANSING, MICHIGAN OCTOBER 26, 2021

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 <u>RECEIVES</u> an appeal on or before the deadline. The deadline is:

TO PROTECT YOUR RIGHTS, YOU MUST BE ON TIME. NOVEMBER 29, 2021

English

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Arabic

مهمانا ن.م الحدى اوف و أ / و الحشاي لوؤسمو كالطبان الناصي وعت قوق ح نع قوم شاجول عم ى لع (ق ئاشول) فقي شول ا دنه اي وشحت اجمم دن شسمان ا ذه يف كدر اول ا شاجول عمل معفت ن

(قىئائىول) ئۆيمىشولا يىف شاھول عولما وىغى قەجىرت يىف قەعاسولىل 1000-500-100 يىلى لىص ا مىرالا جۇل الا :زوفسانا يىل ع اىت يىقات يېتارا

Spanish

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Mandarin

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Albanian

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