

STATE OF MICHIGAN  
UNEMPLOYMENT INSURANCE APPEALS COMMISSION

In the Matter of

████████████████████

Claimant.

Appeal Docket No.: ██████████ 264147W

Agency Case No.: ██████████

DECISION OF UNEMPLOYMENT INSURANCE APPEALS COMMISSION

This matter is before the Unemployment Insurance Appeals Commission (Commission) pursuant to the claimant's timely appeal from a June 18, 2021 decision by an Administrative Law Judge (ALJ). The ALJ's decision affirmed a May 19, 2021 Unemployment Insurance Agency (Agency) redetermination and found the claimant ineligible for Pandemic Unemployment Assistance (PUA) benefits because he was not employed in 2019 or 2020. After reviewing the record, we find the ALJ's decision must be set aside, and the Agency's May 19, 2021 redetermination voided. Our reasons are as follows.

On April 29, 2020, the Agency issued a monetary determination that found the claimant qualified for PUA as he was "unemployed as a result of the COVID-19 pandemic." The determination was effective April 5, 2020 and the Agency ruled he was entitled to a \$160 weekly benefit entitlement.

Over a year later, on May 19, 2021, the Agency reversed course and issued a monetary redetermination that stated "you do not meet the PUA requirements." The asserted reason for the redetermination was that the claimant was not employed in 2019 or 2020 immediately prior to the pandemic. The redetermination was effective back to the beginning of his benefit year, April 5, 2020.

This case involves a claim for Pandemic Unemployment Assistance (PUA). PUA benefit eligibility differs from regular unemployment insurance benefit eligibility under the MES Act. 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.<sup>1</sup>

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<sup>1</sup> See 15 U.S. Code § 9021(c)(5)(b)(ii).

Of relevance here are the finality provisions of the Michigan Employment Security Act (Act). Section 32a(1) of the Act provides that Agency decisions are final after the expiration of the 30-day appeal period. A decision may be reconsidered within 1 year of the original determination, but only if a party establishes good cause for reconsideration.

The unemployment agency may, for good cause, including any administrative clerical error, reconsider a prior determination or redetermination after the 30-day period has expired and after reconsideration issue a redetermination affirming, modifying, or reversing the prior determination or redetermination, or transfer the matter to an administrative law judge for a hearing. **A reconsideration shall not be made unless the request is filed with the unemployment agency, or reconsideration is initiated by the unemployment agency with notice to the interested parties, within 1 year after the date of mailing or personal service of the original determination on the disputed issue** or, if the original determination involved a finding of fraud, within 3 years after the date of mailing or personal service of the original determination.

Section 32a(2) (emphasis added).

In this case, the Agency ruled that the claimant was qualified for PUA benefits on April 29, 2020. No party appealed that determination and it became final 30 days later. The Agency could have reconsidered the determination within one year and with good cause, but it did not. Rather, it did not issue the redetermination at issue until May 19, 2021, more than a year after the date on which it determined the claimant was qualified. As such, we must set aside the May 19, 2021 redetermination as the Agency issued it outside its jurisdictional authority.

We also note that the Agency issued a number of interim monetary redeterminations finding the claimant eligible for “additional” benefits. See February 1, 2021, March 8, 2021, March 22, 2021 and May 17, 2021 redeterminations. These redeterminations had nothing to do with claimant’s qualification for PUA. Rather, they set forth claimant’s entitlement to additional weeks arising from recently enacted legislation. For example, the March 22, 2021 redetermination notes that the American Rescue Plan Act (ARPA),<sup>2</sup> provides for an additional 29 weeks. These interim redeterminations, while within one year of the original determination, cannot create jurisdiction to reconsider the original determination as to claimant’s qualification for benefits, as they ruled on entirely separate issues.


IT IS THEREFORE ORDERED that the ALJ’s June 18, 2021 decision is REVERSED.

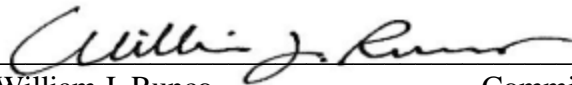
The Agency’s May 19, 2021 redetermination is set aside as void for lack of jurisdiction. The Agency’s April 29, 2020 monetary determination – which found the claimant qualified for PUA benefits - remains in effect.

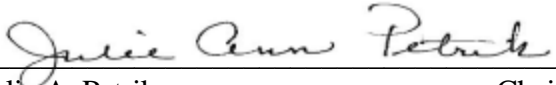
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<sup>2</sup> ARPA was effective March 11, 2021.

**This matter is referred to the Agency for action consistent with this decision.**

  
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Lester A. Owczarski Commissioner

  
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William J. Runco Commissioner

  
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Julie A. Petrik Chairperson

MAILED AT LANSING, MICHIGAN OCTOBER 27, 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 RECEIVES an appeal on or before the deadline. The deadline is:

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

**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**

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(قئائولنا) قئيتولنا يف تامل عملنا مهفو تم جرت يف كدعاس ملل 1-866-500-0017 ىلع لصرتنا، رمألنا هزل اذو: روفلنا ىلع اهتقيلت يتلنا

**Spanish**

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**Mandarin**

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**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**

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