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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
Unemployment Insurance Appeals Commission

SUSAN CORBIN
ACTING DIRECTOR

Notice of Designation of Matter of First Impression

This is to notify you that the Chairperson of the Unemployment Insurance Appeals Commission (Commission) has designated the matters in Docket Numbers 262734W and 263102W as Matters of First Impression. A Matter of First Impression is one that, among other things, involves interpretation of a new law or the application of a new set of circumstances to an existing law. Specifically, the matter of First Impression involves the following issue:

Is a part-time worker eligible for Pandemic Unemployment Assistance (PUA) benefits?

Designation of the case as a Matter of First Impression is important because the Commission decision can inform how future cases on this issue may be handled.

Impact

The impact of this designation is that your case will be reviewed and decided by the entire seven member Commission. Additionally, the Commission decision will be posted on the Commission website and included in the Digest of Commission Decisions. This way administrative law judges and courts can rely on the reasoning in that decision, in making decisions on other cases.

Please see an important notice below regarding Your Privacy Rights.

Notice of Designation

The Notice of Designation includes:

- this Notice;
- the underlying administrative law judge decisions, with all party identifiers redacted.

Both of these documents are attached hereto.

Due to the potential impact of this case, the Commission will post this Notice on its website and provide it to members of the Unemployment Insurance Appeals community via its listserv. The Commission is permitted to accept amicus briefs on cases before it. Mich Admin Code, Rule 792.11423(8). Public interest groups or members of the claimant and/or employer community may have insight or authority that the Commission should consider in making its decision. Accordingly, providing notice of your case in this manner affords these groups an opportunity to provide valuable input on this matter.

Your name and identifiers will be redacted from the listserv distribution and the website posting. Your name will not be disclosed to the public unless you agree to release it.

Providing the Notice is consistent with Rule 792.11428, which authorizes the Commission to “communicate with employers, employees, and their agents and with representatives of the public interest about issues of unemployment insurance and matters affecting the administration of the [Michigan Unemployment Security] Act.”

Your Privacy Rights

Under Section 54(d) of the Act, the Commission is prohibited from releasing confidential party information. That means that your name may not be disclosed to the public without your permission.

Release

You may choose to have your name associated with this case. This would allow your case to be referred to by name in the manner typically associated with court cases. The Michigan Supreme Court case, *Carter v Employment Security Commission*, 364 Mich 649 (1960), is an example of an important case that is frequently cited in unemployment cases. If you choose not to release your name, your case will be referred to and cited by case number only.

A Release that would permit the Commission to use your name is attached. Please note that this release does not authorize the Commission to release identifiers such as address, phone numbers, social security or employer identification numbers. That information will *not* be disclosed to the public. It will allow the Commission to use your name to cite to the case. Signing the Release is completely optional. You may decide to release your name because of the importance of the case, but the Release is not required.

Oral and Written Argument and Amicus Briefs

Oral argument may be ordered on the Commission’s own motion by vote of at least two members of the panel assigned to the case. Rule 792.11420(4). The full Commission has voted for oral argument on this case. Written argument may be considered by the Commission in this case under both Rule 792.11423(4)(a) & (c). The Commission has granted claimant’s request for written argument. The Commission may also consider amicus briefs from persons or organizations that are not parties to the matter before the Commission. Rule 792.11423(8).