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GOVERNOR

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

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## **Notice of Designation of Your Case as a Matter of First Impression**

This is to notify you that your case has been designated by the Unemployment Insurance Appeals Commission (Commission) as a Matter of First Impression. A Matter of First Impression is one that involves interpretation of a new law or the application of a new set of circumstances to an existing law. The new law that is at issue in your case is the *Michigan Regulation and Taxation of Marihuana Act (MRTMA)*, MCL 333.27951 *et seq*, which legalized the use of marihuana by persons 21 years of age or older effective December 6, 2018.

Specifically, the Commission has defined the First Impression matter in this case as follows:

**The impact of the MRTMA on the application of Sections 29(1)(b) and 29(1)(m) of the Michigan Employment Security Act in unemployment insurance benefit determinations.**

Two other cases involving the MRTMA have also been identified as First Impression cases and are identified in the attached Case Summaries. They will be heard and decided along with your case.

### **Impact**

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. 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; Case Summaries and citations to other legal authority under consideration; the three administrative law judge decisions (with all party identifiers redacted); and the orders for oral and written argument. All of these documents are attached hereto.

The Commission is authorized to accept briefs from non-parties (amicus briefs) on cases before it. Due to the potential impact of your case, the Commission will post this Notice and attachments to its website and email them to members of the Michigan Unemployment Insurance Appeals community via its listserv. Public interest groups or members of the claimant and/or employer communities 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 submit an amicus brief and provide valuable input on this matter.

### **Your Privacy Rights**

The Michigan Employment Security Act protects the privacy of parties to unemployment insurance benefit claims. Information that is disclosed in the claims process is “confidential” and the Commission may not disclose it without your permission.

**To protect your privacy, your name and identifiers will be redacted from the website and the listserv email and will not be disclosed to the public unless you agree to disclosure.**

### **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 disclose your name is attached. Please note that this Release does not authorize the Commission to disclose identifiers such as address, social security or employer identification numbers. That information will *not* be disclosed to the public. Signing the Release is completely optional. You may decide to Release your name because of the importance of the case, but your decision will not have any impact on the outcome of the case.

### **Oral and Written Argument and Amicus Briefs**

The full Commission has determined that oral and written argument would assist in its deliberations and has thus issued orders for oral and written argument under Mich Admin Code, R 792.11420(4) and 792.11423(4)(c).

The Commission invites the submission of amicus briefs from persons or organizations that are not parties to the matter before the Commission under Rule 792.11423(8).

### **Legal Help**

You may decide to seek legal help with your case before the Commission. A list of attorney and non-attorney representatives who represent parties in cases at this Commission is attached. (See document titled “If you need Help with your Appeal.”) **Some of the representatives do not charge for their services.** Please review the information in the list carefully. If you plan to obtain assistance, please contact a representative as soon as possible so that his or her appearance can be placed on the record within sufficient time to meet the schedule for oral and written argument.