

**Instructions:** Please review the instructions and checklist before completing this form.

## APPLICATION FOR LEAVE TO APPEAL TO THE EMPLOYMENT RELATIONS BOARD

<b>Part A — CASE NAME</b>			
<b>DECISION NUMBER</b>		<b>REFERENCE NUMBER</b>	
<b>Part B — PROVIDE A BRIEF, CHRONOLOGICAL HISTORY OF YOUR COMPLAINT OR GRIEVANCE.</b> (Additional sheets may be attached, if needed.)			
<b>Part C — CHECK AT LEAST ONE BOX AND EXPLAIN THE GROUNDS FOR APPEAL.</b> (Additional sheets may be attached, if needed.)			
<input type="checkbox"/> <b>The decision of the adjudicating officer is erroneous.</b> (If selecting this ground, you must identify specific and material errors of fact or law in the decision. You must reference specific evidence and testimony in the record supporting your arguments.)			
<input type="checkbox"/> <b>The decision violates Article 11, Section 5 of the Michigan Constitution or is otherwise contrary to law, including the Civil Service Commission Rules or Civil Service Regulations.</b> (If selecting this ground, you must (1) identify the specific rule, regulation, or other provision violated by the adjudicating officer's decision and (2) explain how the decision violates that provision.)			
<input type="checkbox"/> <b>The question presented in the decision is of major significance to the classified service.</b> (If selecting this ground, you must identify how the issues raised in your appeal affect, or could affect, not just yourself, but the classified service.)			
<b>Part D — INDICATE WHO IS SUBMITTING THE APPLICATION AND PROVIDE THE INFORMATION REQUESTED.</b> If more than one party is appealing, attach form CS-1793 or additional sheets providing the contact information requested below for each appealing party. If you have an Authorized Representative, also provide the requested information for the representative.			
Form completed by: (check one) <input type="checkbox"/> <b>APPEALING PARTY</b> <input type="checkbox"/> <b>APPEALING PARTY'S AUTHORIZED REPRESENTATIVE</b>			
<b>APPEALING PARTY'S NAME (Please print)</b>		<b>APPEALING PARTY'S REPRESENTATIVE'S NAME (Please print)</b>	
<b>EMPLOYEE IDENTIFICATION NUMBER</b>		<b>ORGANIZATION</b>	
<b>STREET ADDRESS/P.O. BOX</b>		<b>STREET ADDRESS/P.O. BOX</b>	
<b>CITY</b>		<b>CITY</b>	
<b>STATE</b>	<b>ZIP</b>	<b>STATE</b>	<b>ZIP</b>
<b>PHONE NUMBER</b>		<b>PHONE NUMBER</b>	
<b>E-MAIL ADDRESS</b>		<b>E-MAIL ADDRESS</b>	
<b>SIGNATURE OF APPEALING PARTY OR REPRESENTATIVE</b>			<b>DATE</b>

## INSTRUCTIONS TO FILE AN APPLICATION FOR LEAVE TO APPEAL TO THE EMPLOYMENT RELATIONS BOARD

[Regulation 8.05, \*Employment Relations Board Appeal Procedures\*](#), establishes standards to appeal adjudicating officers' decisions to the Civil Service Commission (CSC) through the Employment Relations Board (Board). Use this form to appeal all adjudicating officer decisions, except decisions over discharges of non-exclusively represented employees. Use [Form CS-1756, \*Claim of Appeal as of Right to the Employment Relations Board\*](#) to appeal those discharges.

**Deadline:** A signed application and proof of service must be **received** by the Board **within 28 calendar days** of the mailing date on the adjudicating officer's decision. An extension of up to 28 days is available if you obtain (1) the agreement of all other parties or (2) permission from the Board office. An extension must be requested before the filing deadline. See [Regulation 8.06, \*Computing Time and Filing Documents\*](#), for other filing requirements.

**Filing checklist:** Incomplete or late filings can lead to delay or dismissal of your application.

- Part A: Identify the case being appealed.** Enter the Case Name, Decision Number (such as CSHO 2015-001 or TAD 2015-001, etc.), and Civil Service Reference Number from the front page of the adjudicating officer's decision.
- Part B: Briefly describe the events, dates, and findings leading up to this application.** Provide a brief, chronological outline (with dates) of the history of your current complaint. Save legal arguments for Part C. Use extra pages if necessary.
- Part C: Identify and explain grounds for appeal.** Check at least one box and then explain the grounds for appeal. Failure to meaningfully explain the grounds can result in delay or dismissal. Merely stating that the adjudicating officer's decision is wrong or unfair is insufficient. If your appeal is lengthy, list your major points and give detail about each, using subheadings. Use extra pages if necessary.
- Part D: Identify the appealing party and any representative.** Check the appropriate box to indicate who is submitting the application. The appealing party must (1) sign and date the form and (2) provide contact information for the appealing party and any authorized representative. For group appeals, an authorized representative may provide all group members' contact information on a [CS-1793](#) form or an attached sheet and sign for the group.
- Provide the application to the Board and all other parties and interested parties.** Send the signed application to the Board at [MCSC-ERB@mi.gov](mailto:MCSC-ERB@mi.gov). Electronic or scanned signatures are accepted. Retain a copy for your records. Non-email filings will be rejected unless you obtain prior permission for paper filing from the Board's administrative officer. Do not include documents already submitted to the adjudicating officer. A copy of the application and any attachments must simultaneously be served on all other parties (including interested parties) or their representatives who participated in the decision appealed. The officer who issued a Technical Review Officer, Benefit Review Officer, or State Personnel Director decision must also be provided a copy of any application appealing these decisions.
- Provide the Board proof of service on all other parties and interested parties.** When submitting your application, you must show the Board that you served a copy of your complete filing with all other parties. You must either (1) electronically copy by "cc" to all other parties and interested parties on your email filing to the Board or (2) provide the Board a completed [Proof of Service form \(CS-1740\)](#) or an equivalent document with the same information.
- Request permission for additions to the record.** The record is closed when an adjudicating officer's decision is issued. Regulation 8.05, § 4.L only allows new evidence under limited circumstances. To offer new evidence, you must submit a written motion explaining (1) why the evidence was not offered earlier and (2) a legally sufficient reason to accept the new evidence. Any evidence submitted with an application is assumed to be new and must be accompanied by a motion to admit new evidence. The Board will reject new evidence if a motion is not offered.
- Explain any untimeliness.** If your application is late, you must explain your lateness or your application will be dismissed. A written motion requesting permission to file a late application must accompany a late filing and must demonstrate good cause or special extenuating circumstances.

Other parties may file a reply brief within 28 calendar days of service of your application. Regulation 8.05 does not permit a response to a reply brief. The Board will review the decision, record, application, and briefs and decide whether to grant leave to appeal. If leave is granted, parties may be asked to submit additional briefs and appear before the Board. All parties will be notified in writing of the Board's recommended or final decision. The Board's recommendation is forwarded to the CSC automatically for consideration. No further action by the parties is needed or accepted before CSC review.

[Regulation 8.05](#), [Regulation 8.06](#), the [CS-1740 Proof of Service](#) form, and other information on appealing adjudicating officers' decisions are available at [www.mi.gov/erb](http://www.mi.gov/erb).