

Please review the instructions before completing this form.

State of Michigan  
Civil Service Commission  
**EMPLOYMENT RELATIONS BOARD**  
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## BRIEF IN RESPONSE TO APPLICATION FOR LEAVE TO APPEAL

<b>Part A — CASE NAME</b>			
DECISION NUMBER		REFERENCE NUMBER	
<b>Part B — PROVIDE CONCISE STATEMENT OF MATERIAL PROCEEDINGS AND FINDINGS.</b> (See instructions. Attach additional sheets, if necessary.)			
<b>Part C — EXPLAIN WHETHER THE APPEALING PARTY HAS GROUNDS FOR APPEAL.</b> (See instructions. Attach additional sheets, if necessary.)			
<b>Part D — INDICATE WHO IS SUBMITTING THE BRIEF AND PROVIDE THE APPELLEE OR INTERESTED PARTY INFORMATION REQUESTED BELOW.</b> If there is more than one person in the Appellee or Interested Party group, an authorized representative may sign for the group and provide the group members' names, mailing addresses, and telephone numbers on an attached sheet. If you have an Authorized Representative, also provide the representative information requested below. (See instructions.)			
<input type="checkbox"/> Appellee		<input type="checkbox"/> Appellee Representative	
<input type="checkbox"/> Interested Party		<input type="checkbox"/> Interested Party Representative	
NAME (Please print)		REPRESENTATIVE'S NAME (Please print)	
EMPLOYEE IDENTIFICATION NUMBER		ORGANIZATION	
STREET ADDRESS/P.O. BOX		STREET ADDRESS/P.O. BOX	
CITY		CITY	
STATE	ZIP	STATE	ZIP
TELEPHONE NUMBER		TELEPHONE NUMBER	
E-MAIL ADDRESS		E-MAIL ADDRESS	
Signature of Appellee, Interested Party, or Representative			DATE

## INSTRUCTIONS TO FILE A BRIEF IN RESPONSE TO AN APPLICATION FOR LEAVE TO APPEAL

[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 respond to all appeals of adjudicating officer decisions, except decisions over discharges of non-exclusively represented employees.

**Deadline:** A signed response brief must be **received** by the Board **within 28 calendar days** of the date the appealing party served you with the application. See [Regulation 8.06, Computing Time and Filing Documents](#), for filing requirements.

1. **Part A:** 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.
2. **Part B:** List the events, dates, and findings in the case. Use extra pages if necessary.
3. **Part C:** Explain whether the appealing party has grounds for appeal. CSC Rule 8-7.5(b) states that the Board may grant leave to appeal when "(1) the decision of the adjudicating officer is erroneous, (2) the decision violates article 11, section 5, of the Michigan constitution or is otherwise contrary to law, including the civil service rules and regulations, or (3) the question presented is of major significance to the classified service." Use extra pages if necessary.
4. **Part D:** Indicate who is submitting the brief and provide the information requested. If there is more than one person in the Appellee or Interested Party group, an authorized representative may sign for the group and provide the group members' names, mailing addresses, and telephone numbers on an attached sheet. If there is an Authorized Representative, also provide the requested information for the representative.

**Provide the brief to the Board and all other parties and interested parties.** Send the signed brief 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 brief 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 brief.

**Provide the Board proof of service on all other parties and interested parties.** When submitting your brief, you must show the Board that you served 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 a brief 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 brief is late, you must explain your lateness or your brief will be dismissed. A written motion requesting permission to file a late brief must accompany a late filing and must demonstrate good cause or special extenuating circumstances.

After receipt of the brief, the Board will review the decision, 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 for an oral presentation. 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).