

Michigan Unemployment Insurance Benefits

Know Your Rights

Eligibility Requirements for a Worker to Receive Benefits

Basic eligibility requirements for Unemployment Insurance include:

- **You Must be Unemployed-** A worker must either have not worked at all during the weeks being claimed or worked part-time and earned less than 1.5 times their weekly benefit amount.
- **You Must be Able and Available for Work** - A worker must be physically and mentally able to work full-time doing the kind of work they have done in the past or work that is in line with their experience, training, and education. A worker must be ready and willing to take a full-time job on any shift their work is performed.
- **You Must have Minimum Earnings** - In addition to the above requirements, a worker must also meet minimum earning requirements prior to becoming unemployed to be eligible for Unemployment Insurance benefits.
- **You Must Register with Michigan Works and file Bi-Weekly Claims for Benefits** – This is the MARVIN that you have heard so much about. MARVIN is the Agency's automated system that you call or use online every other week to claim (certify/report for) benefits and get paid.

What can Disqualify you from Receiving Benefits?

The most common reasons for being disqualified from receiving benefits include:

- Voluntarily quitting. However, if you left your job involuntarily or with good cause attributable to your employer you are not disqualified.
- Being fired for misconduct in connection with work. To be misconduct your actions must be harmful to the interests of the employer and must be intentional.
- Being fired for intoxication, illegal use or possession of drugs at work
- Being fired for refusing to submit to a drug test or testing positive for illegal drugs on a drug test
- Being fired for theft or willful destruction of property in connection to work

If you are disqualified from receiving benefits you have to go back to work for a period of time in order to re-qualify. Your disqualification determination will detail what the requalification requirements are.

Your Right to Protest or Appeal

- On any issue of eligibility or disqualification the agency must issue a written notice of their decision. The Agency calls this written notice a **determination**.
- Claimants (and employers) have the right to protest any Unemployment Insurance Agency determination with which they disagree. The written protest must be received within **30 days** after the decision is issued. **30 Days** is the magic number – do not miss that deadline! Determinations are final if they aren't protested/appealed within **30 days**.
- If a **30 day** deadline is missed, claims can be reopened for good cause, but that is very hard to do. Be very careful not to miss your protest/appeal deadline.
- When you protest a determination, both the employer and the employee have the opportunity to submit information and documents to support their case. The file is then reexamined by the Agency and a written **redetermination** is issued.
- If you disagree with the redetermination you have the right to appeal it within 30 days. If you appeal the redetermination, the Agency will schedule your case for a **hearing** in front of an impartial Administrative Law Judge. At the hearing the judge hears the testimony and arguments of both sides and makes a decision.
- If you disagree with the decision of the administrative law judge, you have the right to appeal to the **Appellate Commission**. The Appellate Commission is a three person panel of judges that sits in Lansing. They will look over the ALJ decision and a review the record (recording of what happened at the hearing) and issue a decision.

No hearing is held at the Appellate Commission.

- If you disagree with the Appellate Commission decision you may appeal it to the **Michigan Circuit Court** in your county. You should seek the help of an attorney to file your appeal to the Circuit Court.

How Do I File a Protest or Appeal?

- Your protest or appeal must be received by the Agency within 30 calendar days of the date the decision being protested or appealed was mailed.
- The Agency provides a one page protest/appeal form you can use. You can find a copy of the form on our website at <http://miui.org/resources>
- You can use the form the Agency provides or you can simply write out your protest/appeal in letter format on your own paper. Something like "I am appealing a decision mailed <insert date>." should work. You should sign and date your letter and make sure it includes your social security number and the date of the decision that you are protesting.
- On appeals to the Appellate Commission it is usually a good idea to include more information in your appeal explaining why you disagree with the judge's decision.
- Once you have written out your appeal you can mail or fax it to:
Unemployment Insurance Agency
P.O. Box 169
Grand Rapids, MI 49501-0169
Fax: 1-517-636-0427

It is usually a good idea to fax your protest/appeal to the Agency rather than mail it. This is because when you fax documents you are able to print out a confirmation that the doc was received. Be sure to keep a copy of your fax confirmation and the protest/appeal.

Overpayment, Restitution and Fraud

- If the Unemployment Insurance Agency pays you benefits for a period of time for which they later determine you were not eligible the Agency will seek to collect those benefits back from you. This is another reason to protest or appeal agency decisions that you think are wrong or unfair. Wrongfully paid benefits are called an "Overpayment" and your obligation to pay them back is called "Restitution".
- If you INTENTIONALLY make false statements or fail to report things you are supposed to report in order to receive or increase your benefits, you could be found to have committed fraud. If the Agency finds that you committed Fraud among other things you can be subject to a penalty of up to four times the repayment amount in addition to having to pay back the benefits you wrongfully received.
- Overpayment, Restitution and Fraud decisions, like any other Agency decision, can be protested and appealed through the Agency appeal process.
- Non-fraud restitution can be waived (forgiven) if the payment was not your fault and you can show that you cannot afford to repay the benefits. This is called a "financial hardship waiver". You can find the Agency financial hardship waiver form on our website at: <http://miui.org/resources>
- The Agency uses Crossmatch Programs, Benefit Accuracy Measurement Programs, and the Fraud Hotline to detect and prevent overpayments and fraud.

See *Unemployment Benefits in Michigan – A Handbook for Michigan Workers* for more information on your eligibility for Unemployment Insurance benefits. You can find a copy on our website at <http://miui.org/resources>

--- Prepared August 2015 by the Michigan Law Unemployment Insurance Clinic – phone: 734.936.2000 – web: <http://miui.org> ----

