

STATE OF MICHIGAN

IN THE COURT OF APPEALS

IN RE JAMES E WHITE
Plaintiff-Appellant

V

UNEMPLOYMENT INSURANCE APPEALS
COMMISSION

Defendant-Appellee
(and MICH ST UNIVER UNMPL
COMP DIV)

Court of Appeals No: _____

Ingham County Circuit

Court No: 20-191-AS-C30

UIAC No: 17-024033-255373W

UIA Case No: 10634324

James E White
4107 Breakwater Dr
Okemos, MI 48864-4413
517-381-1960
james-e-white@idearights.com

Employer: MICH ST UNIVER UNMPL
COMP DIV
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Unemployment Insurance Appeals
Commission
Jason D. Hawkins (P71232)
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Labor Division
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Lansing, MI 48909
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hawkinsj@michigan.gov

APPLICATION FOR LEAVE TO APPEAL APPENDIX

Filed per MCR 7.205.

Date: February 22, 2021

/s/ James E. White

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**STATE OF MICHIGAN
IN THE 30TH JUDICIAL CIRCUIT FOR INGHAM COUNTY**

JAMES EDWARD WHITE,

Appellant,

**ORDER DENYING APPELLANT'S
MOTION FOR RECONSIDERATION**

v.

CASE NO. 20-191-AS

**MICHIGAN STATE UNIVERSITY
UNEMPLOYMENT COMPENSATION
DIVISION,**

HON. WANDA M. STOKES

Appellee.

At a session of said Court
held in the city of Mason, County of Ingham,
this 2 day of February, 2021

This matter comes before the Court on Appellant's Motion to Reverse or Correct Dismissal. Appellant filed a Complaint with this Court in March of 2020, asking this Court for an Order of Superintending Control over the UIAC. On May 24, 2020 this Court entered an Order of Dismissal pursuant to MCR 3.302, which provides that where an appeal is available, a complaint for Superseding Control must be dismissed. Appellant seeks to have the dismissal reversed.

Appellant argues that the UIAC did not issue a final decision and that without said final decision, he is without means to appeal. This is not correct, as this Court has a copy of the final decision by the UIAC regarding the Appellant's unemployment payment.

Nothing presented before this Court indicates that an appeal was not available to the Appellant. In fact, an appeal was filed in this Court on the same facts as 20-301-AA. Thus, this Court's original dismissal pursuant to MCR 3.302 is **AFFIRMED**.

THEREFORE IT IS ORDERED that Appellant's Motion to Reverse or Correct Dismissal is **DENIED**.

In accordance with MCR 2.602(A)(3), the Court finds that this Order disposes of the last pending claim, and closes this case.

February 2, 2021
Date

Wanda M. Stokes
Hon. Wanda M. Stokes
Circuit Court Judge

PROOF OF SERVICE

I hereby certify that I provided a copy of the above ORDER to each attorney of record, or to the parties, by hand delivery, or by placing a true copy in a sealed envelope, addressed to each, with full postage prepaid and placing said envelope in the United States mail, on February 2, 2021.

A handwritten signature in blue ink, appearing to read "Diane Chillers", is written over a horizontal line.

Diane Chillers, Judicial Assistant to
Judge Wanda M. Stokes

STATE OF MICHIGAN
IN THE 30TH JUDICIAL CIRCUIT FOR INGHAM COUNTY

In re: James White Complaint for Order of
Superintending Control

ORDER OF DISMISSAL

CASE NO. 20-191-AS

HON. WANDA M. STOKES

At a session of said Court
held in the city of Mason, county of Ingham,
this 26 day of May, 2020.

This matter comes before the Court on Petitioner James E White's Complaint for Order of Superintending Control, filed March 27, 2020.

Orders for superintending control are governed by MCR 3.302, which provides that such orders supplant various writs in the context of one court exercising its superintending control power over a lower court. Pertinently, MCR 3.302(D)(2) provides that where an appeal is available, a complaint for superintending control must be dismissed.

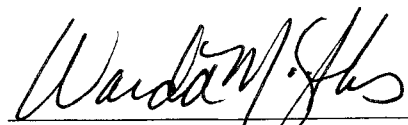
Here, an appeal arising from the same dispute is currently pending before the Court of Appeals, Docket No. 349812. The docket listing indicates the case is open, and no disposition of the matter is apparent.

THEREFORE IT IS ORDERED that this matter is **DISMISSED** for lack of subject-matter jurisdiction.

In accordance with MCR 2.602(A)(3), the Court finds that this order resolves the last pending claim between the parties and closes the case.

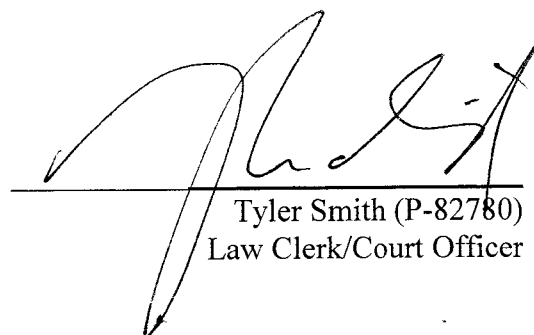
5-26-2020

Date


Hon. Wanda M. Stokes
Circuit Court Judge

PROOF OF SERVICE

I hereby certify that I provided a copy of the above ORDER to each attorney of record, or to the parties, by hand delivery, or by placing a true copy in a sealed envelope, addressed to each, with full postage prepaid and placing said envelope in the United States mail, on May 27, 2019.



Tyler Smith (P-82780)
Law Clerk/Court Officer

Ingham County, Michigan - Court Record Search

Navigation

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Case Summary

Case Title: IN RE JAMES E WHITE vs NONE,
Case Number: 20-000191-AS
Judge: WANDA STOKES
PLAINTIFF: IN RE JAMES E WHITE
DEFENDANT: NONE
Case Status: CLOSED
Disposition: 1AC-ORDER ENTERED - 05/26/2020
File Date: 03/27/2020

Case Events

22 02/03/2021	CLERKS NOTICE (CIVIL) CLERKS' NOTICE SENT ON: 02/03/2021 08:37:02.22
21 02/02/2021	ORDER DENYING APPELLANT'S MOTION FOR RECONSIDERATION
20 02/02/2021	EVENT CANCELLED THE FOLLOWING EVENT: MOTION (MISC) SCHEDULED FOR 02/02/2021 AT 2:00 PM HAS BEEN RESULTED AS FOLLOWS: RESULT: CANCELLED JUDGE: STOKES, WANDA M. LOCATION: MASON COURTHOUSE RESULT STAFF: STAFF: COURT REPORTER: FOX, LESLIE CERTIFICATION NUMBER: 3850
19 01/12/2021	NOTICE OF HEARING RE: PLTF'S MOTION TO REVERSE AND/OR CORRECT DISMISSAL
18 01/12/2021	HEARING SET: EVENT: MOTION (MISC) DATE: 02/02/2021 TIME: 2:00 PM JUDGE: STOKES, WANDA M. LOCATION: MASON COURTHOUSE RESULT: CANCELLED
17 08/07/2020	CORRECTED MOTION TO REVERS OR CORRECT DISMISSAL; BRIEF IN SUPPORT; W/POS
16 08/07/2020	OPPOSING BRIEF TO 6/3/20 UIAC RESPONSE TO JAMES WHITE'S MOTION TO REVERSE OR CORRECT DISMISSAL; PLTF'S APPENDIX TO OPPOSING BRIEF
15 06/09/2020	OPPOSING BRIEF TO 6/3/2020 UIAC RESPONSE TO JAMES WHITE'S MOTION TO REVERSE OR CORRECT DISMISSAL
14 06/09/2020	PROOF OF SERVICE RE: UIAC RESPONSE TO JAMES WHITE'S MOTION TO REVERSE OR CORRECT DISMISSAL
13 06/04/2020	ATTY APPEARANCE ON BEHALF OF MICHIGAN STATE UNIVERSITY BY ATTY BRIAN T. QUINN
12 06/04/2020	CORRECTED MOTION TO REVERSE OR CORRECT DISMISSAL
11 06/03/2020	MI. UNEMPLOYMENT INS. APPEALS COMMISSIONS'S RESPONSE TO JAMES WHITE'S MOTION TO REVERSE OR CORRECT DISMISSAL W/POS
10 06/01/2020	MOTION TO REVERSE OR CORRECT DISMISSAL W/POS
9 06/01/2020	MOTION FEE RECEIPT: 466626 DATE: 06/16/2020

8	05/29/2020	ENTRY ERROR
7	05/28/2020	CLERKS NOTICE (CIVIL) CLERKS' NOTICE SENT ON: 05/28/2020 09:52:44.15
6	05/27/2020	CERTIFIED BILL OF COSTS
5	05/27/2020	CASE CLOSED C30
4	05/24/2020	ORDER OF DISMISSAL W/POS
3	05/04/2020	APPEARANCE BY ATTY DANA NESSEL AG AND ATTY JASON HAWKINS ASSISTANT AG ON BEHALF OF MICHIGAN UNEMPLOYMENT INSURANCE APPEALS COMMISSION
2	03/27/2020	C30 ELECTRONIC SYSTEM FEE RECEIPT: 464754 DATE: 03/30/2020
1	03/27/2020	COMPLAINT WITH PROOF OF SERVICE RECEIPT: 464754 DATE: 03/30/2020

[Return to Case Summary](#)

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

Form 1850

JAMES E WHITE
4107 BREAKWATER DR
OKEMOS, MI 488644413

Docket No.: 17-024033
Case No.: 10634324
Employer: MICH ST UNIVER UNMPL
COMP DIV
Claimant: JAMES E WHITE
SSN: XXX-XX-9834


Administrative Law Judge: Winston A. Wheaton

ORDER

The Agency's October 9, 2017 Redetermination is affirmed.

Claimant is ineligible for benefits for week ending September 30, 2017, pursuant to the remuneration offset provisions of Sections 27(c) and 48(2) of the Michigan Employment Security Act (Act).

Decision Date: December 4, 2017



WINSTON A. WHEATON
ADMINISTRATIVE LAW JUDGE

17-024033

PARTICIPANTS

		11-29-17					
		Sworn		Sworn		Sworn	
Claimant	JAMES E. WHITE	X	X				
Representative	EDITH WILLENBRECHT	X					
Witness							
Witness							
Witness							
Witness							
Employer	JUDY MCMANAMAN, Unemployment Compensation Coordinator	X	X				
Representative	AMY HOLDA, Assistant Human Resource Director	X					
Witness							
Witness							
Witness							
Witness							
Witness							
Witness							

EXHIBITS

NO	SUBMITTED BY			DOCUMENT DATED	FORM NO	DOCUMENT DESCRIPTION
	UIA	E	C			
A1			x	10/1/15-9/30/19		Cover sheet for collective bargaining agreement
A2-3			x			Vacation Pay from CBA
B1-4			x			Layoff policies
1		x		7/7/17		Layoff letter
2		x		9/29/17		Pay record for 9/1/17-9/30/17

JURISDICTION

On November 5, 2017, claimant timely appealed an October 9, 2017 Unemployment Insurance Agency (Agency) Redetermination, which held him ineligible for benefits for week ending September 30, 2017 under the remuneration offset provisions of Sections 27(c) and 48 of the Michigan Employment Security Act (Act).

ISSUE

Whether claimant is ineligible for benefits for week ending September 30, 2017 under the remuneration and earning offset provisions of Sections 27(c) and 48(2) of the Act.

APPLICABLE LAW

Section 27(c) of the Act provides:

Subject to subsection (f), all of the following apply to eligible individuals:

(1) Each eligible individual shall be paid a weekly benefit rate with respect to the week for which the individual earns or receives no remuneration. Notwithstanding the definition of week in section 50, if within 2 consecutive weeks in which an individual was not unemployed within the meaning of section 48 there was a period of 7 or more consecutive days for which the individual did not earn or receive remuneration, that period is considered a week for benefit purposes under this act if a claim for benefits for that period is filed not later than 30 days after the end of the period.

(2) The weekly benefit rate is reduced with respect to each week in which the eligible individual earns or receives remuneration at the rate of 40 cents for each whole \$1.00 of remuneration earned or received during that week. Beginning October 1, 2015, an eligible individual's weekly benefit rate is reduced at the rate of 50 cents for each whole \$1.00 of remuneration in which the eligible individual earns or receives remuneration in that benefit week. The weekly benefit rate is not reduced under this subdivision for remuneration received for on-call or training services as a volunteer firefighter, if the volunteer firefighter receives less than \$10,000.00 in a calendar year for services as a volunteer firefighter.

(3) An individual who receives or earns partial remuneration may not receive a total of benefits and earnings that exceeds $1\frac{3}{5}$ times his or her weekly benefit amount. For each dollar of total benefits and earnings that exceeds $1\frac{3}{5}$ times the individual's weekly benefit amount, benefits shall be reduced by \$1.00. Beginning October 1, 2015, the total benefits and earnings for an individual who receives or earns partial remuneration may not exceed $1\frac{1}{2}$ times his or her weekly benefit amount. The individual's benefits are reduced by \$1.00 for each dollar by which the total benefits and earnings exceed $1\frac{1}{2}$ times the individual's weekly benefit amount.

(4) If the reduction in a claimant's benefit rate for a week in accordance with subdivision (2) or (3) results in a benefit rate greater than zero for that week, the claimant's balance of weeks of benefit payments shall be reduced by 1 week.

(5) All remuneration for work performed during a shift that terminates on 1 day but that began on the preceding day shall be considered to have been earned by the eligible individual on the preceding day.

* * *

(7) The unemployment agency shall not use prorated quarterly wages to establish a reduction in benefits under this subsection.

Section 48 of the Act provides:

(1) An individual shall be considered unemployed for any week during which he or she performs no services and for which remuneration is not payable to the individual, or for any week of less than full-time work if the remuneration payable to the individual is less than 1-1/2 times his or her weekly benefit rate, except that for payable weeks of benefits beginning after the effective date of the amendatory act that added section 15a and before October 1, 2015, an individual is considered unemployed for any week or less of full-time work if the remuneration payable to the individual is less than 1-3/5 times his or her weekly benefit rate. However, any loss of remuneration incurred by an individual during any week resulting from any cause other than the failure of the individual's employing unit to furnish full-time, regular employment shall be included as remuneration earned for purposes of this section and section 27(c). The total amount of remuneration lost shall be determined pursuant to regulations prescribed by the unemployment agency. For the purposes of this act, an individual's weekly benefit rate means the weekly benefit rate determined pursuant to section 27(b).

(2) All amounts paid to a claimant by an employing unit or former employing unit for a vacation or a holiday, and amounts paid in the form of retroactive pay, pay in lieu of notice, severance payments, salary continuation, or other remuneration intended by the employing unit as continuing wages or other monetary consideration as the result of the separation, excluding SUB payments as described in section 44, shall be considered remuneration in determining whether an individual is unemployed under this section and also in determining his or her benefit payments under section 27(c), for the period designated by the contract or agreement providing for the payment, or if there is no contractual specification of the period to which payments shall be allocated, then for the period designated

by the employing unit or former employing unit. However, payments for a vacation or holiday, or the right to which has irrevocably vested, after 14 days following a vacation or holiday shall not be considered wages or remuneration within the meaning of this section.

Claimant has the burden of proving his eligibility for benefits. *Dwyer v Unemployment Compensation Comm*, 321 Mich 178 (1948).

FINDINGS OF FACT

Claimant has been and remains employed with the above-employer as an IT Technologist. He was temporarily laid off August 31, 2017, returning to work on October 26, 2017. Claimant filed a claim for unemployment benefits, and established a benefit year commencing September 3, 2017.

On September 29, 2017, without claimant having requested the payment, the employer paid claimant an amount equal to his regular salary, \$2,604.26 (minus the regular deductions and tax withholding) into his bank account. The payment was charged against his accrued vacation time.

The Agency has applied the payment to week-ending September 30, 2017, which extinguished claimant's eligibility for unemployment benefits for that week. The employer never protested that application by the Agency.

REASONING AND CONCLUSIONS OF LAW

Claimant has the burden of proving his eligibility for benefits for the week at issue: week ending September 30, 2017.

Claimant argues that the vacation pay was earned and accrued prior to his layoff, and should not be available for offset. The employer argues that it is a wage continuation payment, and is subject to offset.

The employer admits that claimant did not request the payment. It says that it followed a longstanding unwritten practice of paying out vacation pay to laid-off employees at the rate of their regular salary, to tide them over during layoffs.

This is not a wage continuation plan. The employer reduced claimant's accrued vacation bank when it made the payment. Whether that is a violation of the collective bargaining agreement is an issue outside the jurisdiction of this forum.

Claimant argues that because the vacation pay was earned prior to his layoff it cannot be used for offset. That interpretation is contrary to the plain language of the statute. Section 48(2) lists the kind of payments that will offset against unemployment benefits.

Vacation pay is the first in the list. All vacation pay is earned prior to a layoff or separation. To eliminate offset for all vacation pay earned prior to layoff or separation would render the section a nullity.

The employer argues that the payment should have been allocated to more than one week. It concedes that it did not protest the Monetary Determination or subsequent Agency adjudications. It is too late to raise the issue for the first time in this hearing.

Based on the record established in this matter, and the applicable law, the Agency's Redetermination is affirmed.

IMPORTANT: TO PROTECT YOUR RIGHTS, YOU MUST BE ON TIME

This Order will become final unless an interested party takes ONE of the following actions: (1) files a written, signed, request for rehearing/reopening to the Administrative Law Judge, or by an office or agent office of the agency OR (2) files a written, signed, appeal to the Michigan Compensation Appellate Commission at P.O. Box 30475, Lansing, MI 48909-7975 (Facsimile: 517-241-7326); OR (3) files a direct appeal, upon stipulation, to the Circuit Court on or before:

January 3, 2018

I, Debbie S., certify a copy of this order has been sent on the day it was signed, to each of the parties at their respective addresses on record.

(SEE ATTACHED SHEET)

English

IMPORTANT! This document(s) contains important information about your unemployment compensation rights, responsibilities and/or benefits. It is critical that you understand the information in this document.

IMMEDIATELY: If needed, call 1-866-500-0017 for assistance in the translation and understanding of the information in the document(s) you have received.

Arabic

مهم! إنكم لستم تأخذون أي معلومات هامة عن حقوقكم ومسؤولياتكم ومزاياكم في تعويض البطالة. من الضروري أن تفهم المعلومات في هذا المستند.

(مهم!) إذا كنتم بحاجة إلى مساعدة في فهم أو فهم المعلومات في المستند الذي قد حصلتموه، يرجى الاتصال بـ 1-866-500-0017 للحصول على المساعدة. إذا كنتم بحاجة إلى مزيد من المعلومات، يرجى الاتصال بـ 1-866-500-0017.

Spanish

¡IMPORTANTE! Este (s) documento (s) contiene información importante sobre sus derechos, responsabilidades y / o beneficios de compensación por desempleo. Es fundamental que entienda la información de este documento.

INMEDIATAMENTE: Si es necesario, llame al 1-866-500-0017 para obtener ayuda en la traducción y comprensión de la información en el documento (s) que ha recibido.

Mandarin

重要！ 本文件包含有关您的失业补偿权利，责任和/或利益的重要信息。了解本文件中的信息至关重要。

立即： 如果需要，请致电1-866-500-0017以协助翻译和了解您收到的文件中的信息。

Albanian

E rëndësishme! Ky dokument përmban informacione të rëndësishme për të drejtat, përgjegjësitë dhe / ose përfitimet e papunësisë. Është e rëndësishme të kuptojmë informacionin në këtë dokument.

Menjëherë: Nëse është e nevojshme, telefononi 1-866-500-0017 për të ndihmuar në përkthimin dhe kuptimin e informacionit në dokumentet që keni marrë.

REQUEST FOR REHEARING OR REOPENING BEFORE AN ADMINISTRATIVE LAW JUDGE

When the appeal to the Administrative Law Judge (ALJ) has been dismissed for lack of prosecution or a party is in possession of newly discovered material information not available when the case was heard by the ALJ, the party may request rehearing in writing before the ALJ instead of appealing to the Michigan Compensation Appellate Commission (Commission). A request for rehearing must be signed by the requesting party or their agent, and RECEIVED by the Michigan Administrative Hearing System (MAHS) at **611 West Ottawa, 2nd Floor, Lansing, MI 48933** or by an office or agent office of the agency, within 30 calendar days after the date of this decision. The party requesting rehearing must also serve the request on the opposing party. A rehearing request received (as described above) more than 30 days after the decision is mailed, shall be treated as a request for reopening.

The ALJ may, for good cause, reopen and review this decision and issue a new decision or issue a denial of rehearing/reopening.

If a request for rehearing or reopening is not received by MAHS, and an appeal to the Commission is not submitted, the hearing decision becomes final.

If the Agency fails to comply with an ALJ decision or order more than 30 days, but within 1 year, after the date of mailing of the decision, you may request, in writing, that the ALJ reopen the matter. You must serve a copy of the request to reopen on the other party.

APPEAL TO THE MICHIGAN COMPENSATION APPELLATE COMMISSION

The Michigan Compensation Appellate Commission (Commission) consists of up to nine members appointed by the governor and is not part of the Unemployment Insurance Agency (UIA).

An appeal to the Commission shall be in writing and signed by the party or his/her agent and must be RECEIVED directly by the COMMISSION within 30 days after the mailing of the ALJ's hearing decision or order denying rehearing or reopening. Parties may obtain the Commission appeal form by going online and downloading the form located at: [http://www.michigan.gov/documets/lara/UI Appeal Form 602012 7.pdf](http://www.michigan.gov/documets/lara/UI%20Appeal%20Form%20602012%207.pdf). A timely appeal may be made by personal service, postal delivery (**P.O. Box 30475, Lansing, MI 48909-7975**), facsimile transmission (**517.241.7326**), or other electronic means as prescribed by the Commission.

The timely appeal/request may also seek to present additional evidence in connection with the appeal or request an oral argument before the Commission. The Commission may consider written argument only if all parties are represented; by agreement of the parties; the Commission orders oral argument; or the Commission orders evidence be produced before it. For additional information, please review the Mich Admin Code, Rules 792.11416 - 792.11429 or visit [http://dmbinternet.state.mi.us/DMB/ORRDocs/AdminCode/1742 2017-066LR AdminCode.pdf](http://dmbinternet.state.mi.us/DMB/ORRDocs/AdminCode/1742%202017-066LR%20AdminCode.pdf)

An appeal cannot be requested by telephone. More information about the appeal process to MCAC can be found on Page 21 of "A Guide to Unemployment Insurance Appeals Hearing", located at the following link: <http://www.micigan.gov/docmens/uia UC1800 7644 7.pdf>.

BY-PASS OF COMMISSION/DIRECT APPEAL TO THE CIRCUIT COURT

A party may by-pass appealing to the Commission and appeal a decision or final order of an ALJ directly to a circuit court in the county in which the Claimant resides or in the county in which the Claimant's place of employment is (or was) located, or if the Claimant is not a party to the case, the circuit court in the county in which the employer's principal place of business in this state is located, if the parties (Claimant and Employer), or their respective authorized agents/attorneys, sign a timely written stipulation agreeing to the direct appeal to the circuit court. **The stipulation must be mailed to the Michigan Administrative Hearing System, 3026 W. Grand Blvd, 2nd Floor Annex, Suite 2-700, Detroit, Michigan 48202.** Application for review to a circuit court must be made within 30 days after the mailing date decision or final order by any method permissible under the rules and practices of the circuit court. The responsibility for properly and timely filing an appeal with the clerk of the circuit court rests with the party filing the appeal.

STATE OF MICHIGAN
MICHIGAN COMPENSATION APPELLATE COMMISSION

In the Matter of

JAMES E. WHITE,

Claimant,

Appeal Docket No.: 17-024033-255373W

Social Security No.: XXX-XX-9834

MICHIGAN STATE UNIVERSITY
UNEMPLOYMENT COMP DIVISION,

Claimant.

DECISION OF MICHIGAN COMPENSATION APPELLATE COMMISSION

This case is before the Michigan Compensation Appellate Commission (Commission) on the claimant's timely appeal from a December 18, 2017 Administrative Law Judge (ALJ) order denying a request for rehearing.

Under Section 33(1) of the Michigan Employment Security Act¹, rehearings are granted or denied at the discretion of the ALJ. Michigan Administrative Code, Rule 792.11414.

After reviewing the record, the Commission finds that there has not been an abuse of discretion. Therefore, the ALJ's December 18, 2017 order should be affirmed.

The Commission has reviewed the ALJ's December 4, 2017 decision in light of the evidence appearing in the record made prior to the claimant's request for rehearing. It is our opinion that the decision is in conformity with the law and facts and should be affirmed.


In accordance with MCL 421.34, we conclude that no modification or alteration of the ALJ's decision is necessary.

Therefore,

IT IS ORDERED that the ALJ's order denying the claimant's request for rehearing is hereby affirmed.

¹ MCL 421.1 *et seq.*

IT IS FURTHER ORDERED that the ALJ's decision is hereby affirmed.



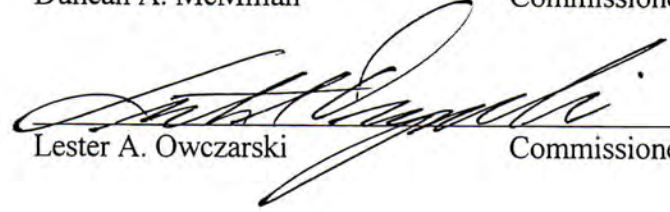
Jack F. Wheatley

Commissioner



Duncan A. McMillan

Commissioner



Lester A. Owczarski

Commissioner

MAILED AT LANSING, MICHIGAN MAR 07 2018

This decision shall be final unless EITHER (1) the Michigan Compensation Appellate Commission RECEIVES a written request for rehearing on or before the deadline, OR (2) the appropriate circuit court RECEIVES an appeal on or before the deadline. The deadline is:

TO PROTECT YOUR RIGHTS, YOU MUST BE ON TIME APR 06 2018

Attached is a decision of the Michigan Compensation Appellate Commission (Commission). This decision **WILL BECOME FINAL** unless further action is taken by you. It is important that you pay attention to all filing deadlines. The mailed date and the filing deadline can be found at the bottom of the last page of the Commission decision.

The Michigan Employment Security Act (The Act) provides three separate options for seeking relief from decisions or final orders of the Commission.

1. APPEALS TO CIRCUIT COURT

You may appeal a final order or decision of the Commission to Circuit Court within **30 days** after the mailed date of the decision.

An appeal of a final decision to circuit court can be filed in the county in which the claimant resides or the circuit court of the county in which the claimant's place of employment is or was located, or, if a claimant is not a party to the case, the circuit court of the county in which the employer's principal place of business in this state is located. Application for review shall be made within 30 days after mailing a copy of the order or decision by any method permissible under the rules and practices of the circuit courts of this state. **Circuit court claims of appeal are to be filed with the clerk of the appropriate circuit court.**

2. REHEARING

You may file for rehearing with the Commission within **30 days** after the mailed date of the decision. Your request must be received within **30 days** after the mailed date by personal service, postal delivery or facsimile transmission to the contact information shown at the bottom of this page. A party requesting a rehearing shall serve the request on all other parties at the time of filing with the Commission.

The Act provides that the Commission may, either upon application by an interested party for rehearing or on its own motion, proceed to rehear, affirm, modify, set aside, or reverse an underlying decision on the basis of the evidence previously submitted or on the basis of additional evidence.

3. REOPENING

You may file for reopening with the Commission **after** the 30-day appeal period expires but within 1 year after the mailed date of the underlying decision. A request for reopening must be received by personal service, postal delivery or facsimile transmission to the contact information shown at the bottom of this page.

The Act provides that the Commission may, for good cause, reopen and review the underlying decision and issue a new decision **after** the 30-day appeal period has expired, but a review shall not be made unless the request is received by the Commission, or review is initiated by the Commission with notice to the interested parties, within 1 year after the mailed date of the underlying decision.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
MICHIGAN COMPENSATION APPELLATE COMMISSION

P.O. Box 30475
Lansing, MI 48909-7975
Fax: (517) 241-7326
1-800-738-6372 OR (517) 284-9300

STATE OF MICHIGAN
MICHIGAN COMPENSATION APPELLATE COMMISSION

In the Matter of

JAMES E. WHITE,

Claimant,

Appeal Docket No.: 17-024033-255373W

Social Security No.: XXX-XX-9834

MICHIGAN STATE UNIVERSITY
UNEMPLOYMENT COMP DIVISION,

Claimant.

REQUEST FOR REHEARING OF DECISION OF MICHIGAN
COMPENSATION APPELLATE COMMISSION'S DECISION

Pursuant to Michigan Administrative Code, Rule 792.11430, Claimant respectfully requests a rehearing on the Commission's March 7, 2018 decision affirming the Administrative Law Judge's December 18, 2017 order denying Claimant's request for a rehearing.

Respectfully submitted,

MICHIGAN EDUCATION ASSOCIATION
Attorneys for Claimant James E. White

Dated: April 2, 2018



Daniel J. Zarimba (P62149)
1216 Kendale Boulevard, PO Box 2573
East Lansing, Michigan 48823-2573
(517) 332-6551

CERTIFICATE OF SERVICE

I, Joan M. Summers, hereby certify that on April 2, 2018, I provided a copy of the above document to: Michigan State University, Unemployment Comp Division, 1407 S. Harrison Road, Ste. 110, East Lansing, MI 48823, by placing in the inter-departmental mailbox for pick-up by the U.S. Postal Service, with first-class postage properly affixed.



Joan M. Summers

(4/98)

AUTHORITY: M.E.S. ACT, SECTIONS 34-36

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN COMPENSATION APPELLATE COMMISSION

NOTICE OF REQUEST FOR REHEARING

MCAC Docket No. 255373WH
Date of MCAC Decision: 03/07/2018
Date of Petition: 04/05/2018
Appellant: Claimant

IN THE MATTER OF:

Claimant: James E. White
4107 Breakwater Drive
Okemos, MI 48864-4413

Employer: Michigan State University
Unemployment Comp. Division
1407 South Harrison Road
Suite 110
East Lansing, MI 48823-5239

Social Security: 340-44-9834

Registration No: 0800416

Claimant's Attorney

Daniel J. Zarimba
1216 Kendale Boulevard
East Lansing, MI 48823-2573

A request for Rehearing has been filed in the case identified above.

You are not required to do anything at this time.

After the case is reviewed, you will receive an order from the Michigan Compensation Appellate Commission and other information about your further rights of appeal.

P.O. Box 30475
Lansing, MI 48909-7975
(517) 284-9300 or 1 (800) 738-6372
(517) 241-7326 (FAX)

RECEIVED

APR 26 2018

MEA LEGAL SERVICES

**Ingham County
30th Judicial Circuit Court**

**Case number: 20-000191-AS
Hon. Wanda M. Stokes**

In re James E White
4107 Breakwater Dr
Okemos, MI 48864-4413
517-381-1960
james-e-white@idearights.com

Employer: MICH ST UNIVER UNMPL
COMP DIV
Brian T. Quinn (P66272)
Attorney for MSU
426 Auditorium Road, Room 494
East Lansing, MI 48824
(517) 884-9483
abturiel@msu.edu (Uri Abt)

Jason D. Hawkins (P71232)
Attorney for Unemployment Insurance
Appeals Comn.
Michigan Dept. of Attorney General
Labor Division, PO Box 30736
Lansing, MI 48909
(517) 335-7641
HawkinsJ@michigan.gov

**Plaintiff's Appendix to Opposing Brief to 6/3/2020 UIAC
Response to James White's Motion to Reverse or Correct
Dismissal**

Date: 6/8/2020



Request for MCAC Reopening and/or Request for MCAC Rehearing

Request that the MCAC Permit this Further Appeal to the MCAC (if needed)

Request that the MCAC Order Additional Evidence

Request that the Claimant's Attorney be Withdrawn

JAMES E WHITE
4107 BREAKWATER DR
OKEMOS, MI 48864-4413
517-381-1960
Fax: 517-347-0189

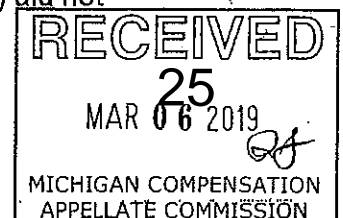
Appeal Docket No.: 17-024033-255373W
Employer: MICH ST UNIVER UNMPL
COMP DIV
Claimant: JAMES E WHITE
SSN: XXX-XX-9834

Pursuant to at least MCL 421.34 (7) and (8) (including: "or permit a party to the decision or order to initiate further appeals before it") and at least LARA Administrative Hearing Rules 792.11430 and 11431 Claimant respectfully requests reopening on MCAC's March 7, 2018 decision affirming the Administrative Law Judge's December 18, 2017 order denying Claimant's requests for rehearing to overturn denial of unemployment benefits for the week ending September 30, 2017. Alternatively and/or under the same law and rules Claimant respectfully requests that the MCAC's February 6, 2019 decision to deny application for rehearing be reheard per this rehearing request or by permitting this further appeal to the MCAC for a thorough review of the case and the law.

I have asked Daniel J. Zarimba (P62149) who filed the April 2, 2018 request for MCAC rehearing on my behalf (but without consulting me) to withdraw from the case and notify the MCAC, Michigan State University, and myself (thus reverting it to me to represent myself). Should Daniel Zarimba not provide such a withdrawal statement I ask that the MCAC simply declare his removal from the case on my behalf and notify me, MSU, and Daniel Zarimba.

I request that "good cause" per 792.11402 (d) be found to honor this petition for reopening, rehearing, and/or further appeal due to the following facts:

1. Neither Daniel Zarimba nor my MSU Administrative Professional Association (APA) point of contact, in spite of repeated requests, informed me of exactly what was filed (without consulting me) on my behalf or what actions were taken until just this past January 29, 2019 upon a new request by me. Only a request to overturn the ALJ's rehearing denial was requested by Daniel Zarimba on April 2, 2018, no requests for oral or written argument were made. In the timeframe in which requests could be made the union I belong to (APA, affiliated with the Michigan Education Association [MEA]) did not



respond to my pleas to know what was being done. In other words, my representative did not live up to my trust and advance the case but merely repeated my prior unsuccessful simple request for rehearing.

2. The obvious (to me anyway) ignoring of the law (i.e., 421.48(2) "... However, payments for a vacation or holiday, or the right to which has irrevocably vested ... shall not be considered wages or remuneration") even though brought to the attention of the ALJ and MCAC.
3. The ALJ in a prior MSU case, Docket No: 17-012285 (Case No: 9393117), explicitly noting the "However..." sentence of the law clearly stated, among other considerations, "the claimant's pay was not continued wages, but instead a payment of her accrued earned vacation pay, which was established before her separation" and overturned an Agency ineligibility determination. The ALJ was upheld by the MCAC (Appeal Docket No.: 17-012285-253658).
4. The lack of evidence that MSU provided to the UIA any copy of contract or agreement or policy to the effect that MSU could make a "vacation payment" as they did. In fact very clear evidence to the contrary was provided to the ALJ and MCAC showing MSU's payment was against policy and contract. The ALJ and MCAC have failed to address that evidence.
5. The utter inability of the UIA to produce any rules the UIA uses in making its case decisions. How, for example, do they weigh the lack of MSU's contract, etc., evidence, or MSU's question responses regarding the "vacation pay" versus the laid off worker's question responses regarding the same when the responses differ?

Rest assured that a subsequent request for at least written argument will be filed by me within 14 days of receiving the notice of receipt of further appeal/reopening/rehearing (whatever it is called) resulting from this appeal petition so that the issues above can be clearly addressed as the law intends via the ALJ and MCAC processes before bothering the courts. In other words, on MCAC reopening, rehearing, or further appeal I fully intend to advance this case as was not done on my behalf.

In light of MSU's representation that they have contract, agreement, or policy support for the vacation pay they made I explicitly request that the MCAC order both MSU and the UIA to independently provide clear documentation that shows the contract, agreement, or policy that was provided by MSU to the UIA under the rules of the UIA "vacation questionnaire" which clearly states "Was the vacation payment issued based on a contract or other agreement, such as a company policy? If so, provide a copy."

I regret to have to resort to this step but I see no reasonable alternative to make the best use of the law and rules that I can given that I feel that the APA/MEA union has let me down with

wholly inadequate representation given the clarity of the law and the facts. Certainly if this petition fails to get a rehearing, or reopening, with argument, or goes against me with the "However, payments for a vacation or holiday, or the right to which..." portion of the law still being ignored, I will appeal to the courts.

Faxed from 517-347-0189 to:

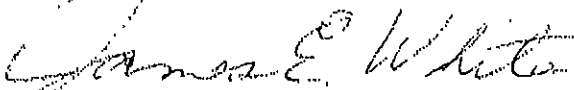
517-241-7326, Michigan Compensation Appellate Commission, P.O. Box 30475, Lansing, MI 48909

517-355-9631, Judy McManaman, MSU HR, 1407 S. Harrison Rd, East Lansing, MI 48823-5239

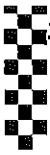
Also emailed to Daniel Zarimba (dzarimba@mea.org) on the same date.

Also I certify that this was faxed/communicated as stated above on March 6, 2019.

Respectfully submitted,



James E. White
4107 Breakwater Dr
Okemos, MI 48864
517-381-1960



Application for MCAC Oral Argument and/or for MCAC Written Argument

(Re)Request that the MCAC Order Additional Evidence

JAMES E WHITE
4107 BREAKWATER DR
OKEMOS, MI 48864-4413
517-381-1960
Fax: 517-347-0189

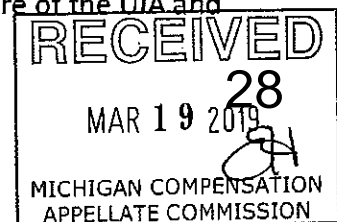
Appeal Docket No.: 17-024033-255373W
Employer: MICH ST UNIVER UNMPL
COMP DIV
Claimant: JAMES E WHITE
SSN: XXX-XX-9834

Pursuant to at least MCL 421.34 (4) Claimant respectfully requests MCAC grant oral and/or written, preferably written, argument on the denial of unemployment benefits to Claimant for the week ending September 30, 2017. Permitting (oral and/or) written argument should best enable a thorough review of the facts of this case and the law and (perhaps via a subsequent MCAC written decision) should clarify, if not settle, at least:

1. The MCAC position on 421.48's "However, payments for a vacation or holiday, or the right to which has irrevocably vested ... shall not be considered wages or remuneration" sentence.
2. That the people of Michigan can expect the above statement in law to hold without explicit contract repetition.
3. That the absence of evidence itself (required by UIA's "provide a copy" request) that MSU has by contract or agreement a right to ignore the above sentence is evidence that was ignored by UIA.
4. That all facts (and law clauses) relevant to this case are being considered by the MCAC.
5. That the MCAC can establish a decision rule for the UIA and ALJs to follow rather than leaving each claim processor and ALJ to make whatever decision they happen to choose.
6. That all ALJs must read and account for all applicable clauses of the law.

I will continue to seek legal support from The APA/MEA unions' legal staff but should they not assist in presenting my case I waive any need/requirement for legal representation in presenting written argument.

Again, in light of MSU's representation that they have contract, agreement, or policy support for the vacation pay they made I explicitly re-request that the MCAC order both MSU and the UIA to independently provide clear documentation that shows the contract, agreement, or policy that was provided by MSU to the UIA under the rules of the UIA "vacation questionnaire" which clearly states "Was the vacation payment issued based on a contract or other agreement, such as a company policy? If so, provide a copy." Further I request that failure of the UIA and



MSU to provide such documentary evidence be treated by the MCAC as clear evidence that there is no such contract or agreement evidence.

Faxed from 517-347-0189 to:

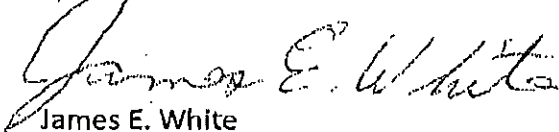
517-241-7326, Michigan Compensation Appellate Commission, P.O. Box 30475, Lansing, MI 48909

517-355-9631, Judy McManaman, MSU HR, 1407 S. Harrison Rd, East Lansing, MI 48823-5239

Also emailed to Daniel Zarimba (dzarimba@mea.org) on the same date.

Also I certify that this was faxed/communicated as stated above on March 19, 2019.

Respectfully submitted,



James E. White
4107 Breakwater Dr
Okemos, MI 48864
517-381-1960

Status Query for:

March 6, 2019 Request for MCAC Reopening/Rehearing (etc.)

March 19, 2019 Application for MCAC Oral/Written Argument (etc.)

December 23, 2019

Michigan Compensation Appellate Commission
Unemployment
P.O. Box 30475
Lansing, MI 48909-7975

RE:

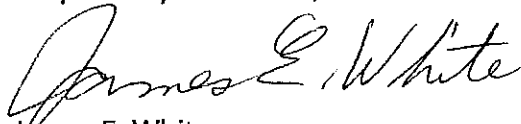
JAMES E WHITE
4107 BREAKWATER DR
OKEMOS, MI 48864-4413
517-381-1960
Fax: 517-347-0189

Appeal Docket No.: 17-024033-255373W
Employer: MICH ST UNIVER UNMPL
COMP DIV
Claimant: JAMES E WHITE
SSN: XXX-XX-9834

To Whom It May Concern:

As noted at the top of this page a request for Reopening/Rehearing (etc.) of the above case was filed with the MCAC on March 6, 2019 and an additional request for Oral/Written Argument (etc.) was filed with the MCAC on March 19, 2019. I am hopeful that the Commission has had an opportunity to review the case and these requests and will issue a decision in the near future. I would appreciate a reply indicating the current status of these requests and/or some estimate of the date I might expect to receive their results. I look forward to hearing from you.

Respectfully submitted,



James E. White
4107 Breakwater Dr
Okemos, MI 48864
517-381-1960

RECEIVED
DEC 26 2019
UNEMPLOYMENT INSURANCE
APPEALS COMMISSION

**Ingham County
30th Judicial Circuit Court**

RECEIVED

In re James E White
4107 Breakwater Dr
Okemos, MI 48864
517-381-1960
james-e-white@idearights.com

MAR 23 2020 *EH*
UNEMPLOYMENT INSURANCE
APPEALS COMMISSION

Complaint

The Michigan Compensation Appellate Commission (MCAC), now operating as UIAC (Unemployment Insurance Agency Commission) per Governor Whitmer Executive Order 2019-13, has not, for over one (1) year, responded per LARA R 792.11431(2) to timely filed plaintiff requests in the case of MCAC Appeal Docket No. 17-024033-255373W for Reopening/Rehearing, Oral/Written Argument, etc., filed per MCL 421.34(7), (8), and (4) therefore plaintiff requests the Ingham County 30th Judicial Circuit Court exercise Superintending Control per MCR 3.302(E)(1).

Should it be relevant, the layoff for which this case arose also had a pay calculation error for which the following is noted: A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in the Court of Claims, where it was given case number 18-000219-MZ and was assigned to Judge Michael J. Kelly. The Court of Claims action is no longer pending, however, that matter is now in the Court of Appeals as case number 349812 with no judges assigned.

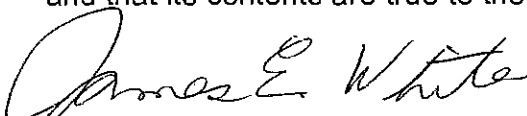
This complaint is submitted via email attachment to CircuitCourtRecords@ingham.org (Per 30th Judicial Circuit Court Local Administrative Order 2020-03) on March 19, 2020.

Proof of Service

I certify that copies have been provided via both USPS First Class mail and email on March 19, 2020 to:

- Unemployment Insurance Appeals Commission, P.O. Box 30475, Lansing, MI 48909-7975 LEO-UIAC-Info@michigan.gov
- Amanda Moses, Employee Relations Professional, Michigan State University, 1407 S Harrison, Suite 240, East Lansing, MI 48823-5239 mosesa@msu.edu

I declare under the penalties of perjury that this complaint has been examined by me and that its contents are true to the best of my information, knowledge, and belief.


/s/ James E. White

Ingham County 30th Judicial Circuit Court

In re James E White
4107 Breakwater Dr
Okemos, MI 48864
517-381-1960
james-e-white@idearights.com

Type-code: AS

RECEIVED

MAR 30 2020

UNEMPLOYMENT INSURANCE
APPEALS COMMISSION

Complaint

The Michigan Compensation Appellate Commission (MCAC), now operating as UIAC (Unemployment Insurance Agency Commission) per Governor Whitmer Executive Order 2019-13, has not, for over one (1) year, responded per LARA R 792.11431(2) to timely filed plaintiff requests in the case of MCAC Appeal Docket No. 17-024033-255373W for Reopening/Rehearing, Oral/Written Argument, etc., filed per MCL 421.34(7), (8), and (4) therefore plaintiff requests the Ingham County 30th Judicial Circuit Court exercise Superintending Control per MCR 3.302(E)(1).

Should it be relevant, the layoff for which this case arose also had a pay calculation error for which the following is noted: A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in the Court of Claims, where it was given case number 18-000219-MZ and was assigned to Judge Michael J. Kelly. The Court of Claims action is no longer pending, however, that matter is now in the Court of Appeals as case number 349812 with no judges assigned.

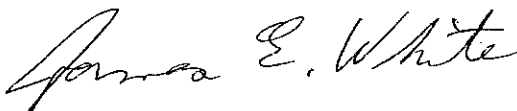
This complaint is submitted via email attachment to CircuitCourtRecords@ingham.org (Per 30th Judicial Circuit Court Local Administrative Order 2020-03) on March 27, 2020.

Proof of Service

I certify that copies have been provided via both USPS First Class mail and email on March 27, 2020 to:

- Unemployment Insurance Appeals Commission, P.O. Box 30475, Lansing, MI 48909-7975 LEO-UIAC-Info@michigan.gov
- Amanda Moses, Employee Relations Professional, Michigan State University, 1407 S Harrison, Suite 240, East Lansing, MI 48823-5239 mosesa@msu.edu

I declare under the penalties of perjury that this complaint has been examined by me and that its contents are true to the best of my information, knowledge, and belief.


/s/ James E. White

32

Replaces Complaint mailed 3/19/20

STATE OF MICHIGAN
UNEMPLOYMENT INSURANCE APPEALS COMMISSION

In the Matter of

JAMES E. WHITE,

Appeal Docket No.: 17-024033-255373W

Claimant,

UIA Case No.: 10634324

MICHIGAN STATE UNIVERSITY,

Employer.

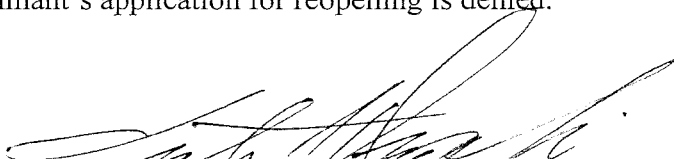
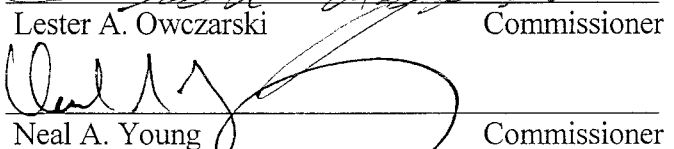

ORDER DENYING APPLICATION FOR REOPENING AND REVIEW

This matter is before the Unemployment Insurance Appeals Commission (Commission) upon the application of the claimant for reopening and review by the Commission of its decision dated March 7, 2018. In an order dated February 6, 2019, the Commission denied the claimant's request for rehearing.

Under Section 34 of the Michigan Employment Security Act, the Commission may reopen and review the decision dated March 7, 2018, only if "good cause" has been demonstrated.

The Commission, having read and considered the claimant's application for reopening, is of the opinion that "good cause" for reopening and review has not been demonstrated.

IT IS THEREFORE ORDERED that the claimant's application for reopening is denied.

	
Lester A. Owczarski	Commissioner
	
Neal A. Young	Commissioner
	
William J. Runco	Commissioner

MAILED AT LANSING, MICHIGAN

APR 30 2020

This order will become final unless a written appeal therefrom is RECEIVED by the clerk of the appropriate circuit court on or before JUN 01 2020.

TO PROTECT YOUR RIGHTS, YOU MUST BE ON TIME.

**STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
UNEMPLOYMENT INSURANCE APPEALS COMMISSION
P.O. Box 30475
Lansing, MI 48909-7975
1-800-738-6372 or (517) 284-9300
Fax: (517) 241-7326**

IMPORTANT NOTICE TO PARTIES

Attached is an order of the Unemployment Insurance Appeals Commission (Commission) which will become final unless further action is taken by you.

The Michigan Employment Security Act provides for the following method of recourse from final orders of the Commission.

APPEALS TO CIRCUIT COURT

Sec. 38. The circuit court of the county in which the claimant resides or the circuit court of the county in which the claimant's place of employment is or was located, or, if a claimant is not a party to the case, the circuit court of the county in which the employer's principal place of business in this state is located, may review questions of fact and law on the record made before the administrative law judge and the Commission involved in a final order or decision of the Commission, and may make further orders in respect thereto as justice may require, but the court may reverse an order or decision only if it finds that the order or decision is contrary to law or is not supported by competent, material, and substantial evidence on the whole record. Application for review shall be made within 30 days after mailing a copy of the order or decision by any method permissible under the rules and practices of the circuit courts of this state.

NOTE

IF AN APPEAL IS MADE UNDER THE ABOVE SECTION, THE APPEAL MUST BE FILED WITH THE OFFICE OF THE CIRCUIT COURT CLERK OF THE COUNTY WHERE THE APPEAL IS TAKEN.

THE RESPONSIBILITY FOR PROPERLY AND TIMELY FILING SUCH AN APPEAL RESTS WITH THE PARTY INVOLVED. THE COMMISSION DOES NOT HAVE THE AUTHORITY TO FILE AN APPEAL ON BEHALF OF ANY PARTY.

TIME FOR AND FILING OF APPEALS

Your attention is directed to the time for filing a claim of appeal to circuit court. Filing means the date on which the claim of appeal is **RECEIVED** in the office of the clerk of the court in which the action is taken.

(08/19)

Authority: M.E.S. ACT. SECTIONS 34-36

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
UNEMPLOYMENT INSURANCE APPEALS COMMISSION*

NOTICE OF REQUEST FOR REOPENING

UIAC Docket No.: 255373WHO

Date of UIAC Decision/Order: 03/07/2018

Date of Petition: 03/06/2019

Appellant: Claimant

IN THE MATTER OF:

Claimant: James E. White
4107 Breakwater
Okemos, MI 48864-4413

Employer: Michigan State University
Unemployment Comp. Division
1407 South Harrison Road
Suite 110
East Lansing, MI 48823-5239

UIA Case Number: 10634324

Registration No.: 0800416

A request for reopening has been filed in the case identified above.

You are not required to do anything at this time. After the case is reviewed, you will receive an order from the Unemployment Insurance Appeals Commission (UIAC) and further appeal rights.

P.O. Box 30475
Lansing, MI 48909-7975
(517) 284-9300 or 1-800-738-6372
Fax: (517) 241-7326

*Pursuant to Executive Order 2019-13 effective August 11, 2019, the Michigan Compensation Appellate Commission was replaced by the Unemployment Insurance Appeals Commission.

English

IMPORTANT! This document(s) contains important information about your unemployment compensation rights, responsibilities and/or benefits. It is critical that you understand the information in this document.

IMMEDIATELY: If needed, call 1-866-500-0017 for assistance in the translation and understanding of the information in the document(s) you have received.

Arabic

مهم! ن.م. إندئ اوف وأ / و إكتاي لرؤس مو كلاً طبلأ تاض يوعت قوقح ن.م.م تامل عمل ع (قئ اتول) قئ اتولأ هذ إيوحت إهم
بن سملأ اذ هف كراولأ تامل عملأ مهفت ن.

(قئ اتول) قئ اتولأ هف تامل عملأ مهفو كم جرت هف كدع اسملل 1-866-500-0017 ع ل ع لصت سمالأ مزل اذ إروفلأ ع
اهت قلت يتلأ.

Spanish

¡IMPORTANTE! Este (s) documento (s) contiene información importante sobre sus derechos, responsabilidades y / o beneficios de compensación por desempleo. Es fundamental que entienda la información de este documento.

INMEDIATAMENTE: Si es necesario, llame al 1-866-500-0017 para obtener ayuda en la traducción y comprensión de la información en el documento (s) que ha recibido.

Mandarin

重要！ 本文件包含有关您的失业补偿权利，责任和/或利益的重要信息。了解本文档中的信息至关重要。

立即： 如果需要，请致电1-866-500-0017以协助翻译和了解您收到的文件中的信息。

Albanian

E rëndësishme! Ky dokument përmban informacione të rëndësishme për të drejtat, përgjegjësitë dhe / ose përfitimet e papunësisë. Është e rëndësishme të kuptojmë informacionin në këtë dokument.

Menjëherë: Nëse është e nevojshme, telefononi 1-866-500-0017 për të ndihmuar në përkthimin dhe kuptimin e informacionit në dokumentet që keni marrë.

From: James White [mailto:james-e-white@idearights.com]
Sent: Wednesday, May 20, 2020 9:13 PM
To: 'Hawkins, Jason (AG)'
Subject: RE: Stipulation to dismiss case

Hi Mr. Hawkins,

Thank you for your offer. I must respectfully decline.

Sincerely,

James E. White
4107 Breakwater Dr
Okemos, MI 48864
(517) 381-1960

From: Hawkins, Jason (AG) [mailto:HawkinsJ@michigan.gov]
Sent: Tuesday, May 19, 2020 9:47 AM
To: james-e-white@idearights.com
Subject: Stipulation to dismiss case

Good morning, Mr. White,

I am an Assistant Attorney General for the State of Michigan, and I represent the Michigan Unemployment Insurance Appeals Commission in the case you filed in Ingham County Circuit Court asking the court to exercise superintending control over a case that was pending before the Appeals Commission. You asked the court to step into the place of the Appeals Commission and issue a decision on your pending request for rehearing/reopening.

On April 30, the Appeals Commission issued the attached decision denying your request for reopening. Because the Appeals Commission issued that decision, there is no additional relief the circuit court can give you. So I am asking that you agree to dismiss your case seeking superintending control in the circuit court. Please understand that agreeing to dismiss this case will not affect your ability to appeal the Appeals Commission's April 30 decision. As you can see from the first page of the decision, you have until June 1 to appeal the decision.

I have also attached a document called a stipulation and order. This is a written agreement that we would present to the court asking that the court dismiss the case. If you agree, I can electronically sign your name for you and submit the document to the court. I just need to you to consent to that by replying to this email. If you do not agree, that is okay too. I will just file an answer to your complaint, asking the court to dismiss the case for the same reason explained above.

Please let me know if you have any questions or concerns. I look forward to hearing from you. Thank you!

Jason Hawkins
First Assistant Attorney General – Labor Division
Michigan Department of Attorney General

STATE OF MICHIGAN
CIRCUIT COURT FOR THE 30TH JUDICIAL CIRCUIT
INGHAM COUNTY

IN RE JAMES E. WHITE.

No. 20-191-AS

HON. WANDA STOKES

James E. White
Appearing In Pro Per
4107 Breakwater Drive
Okemos, MI 48864

Jason D. Hawkins (P71232)
Attorney for Michigan Unemployment
Insurance Appeals Commission
Michigan Department of Attorney General
Labor Division
P.O. Box 30736
Lansing, MI 48909
(517) 335-7641

STIPULATION AND ORDER DISMISSING CASE

The Michigan Unemployment Insurance Appeals Commission and James E. White, through the undersigned, stipulate to the dismissal of this case under MCR 2.602(2). The parties therefore ask the Court to enter the attached order.

Jason Hawkins
Assistant Attorney General
Attorney for Unemployment
Insurance Appeals Commission

James E. White
Appearing In Pro Per

Date: _____

Date: _____

ORDER

This matter having been brought to this Court pursuant to stipulation of the parties, and the Court having reviewed said stipulation and being otherwise fully advised in the premises, the Court orders that this case is dismissed with prejudice, but without costs to either party.

This Order resolves the last pending claim and closes the case.

Date: _____

Hon. Wanda Stokes
Circuit Court Judge

Ingham County 30th Judicial Circuit Court

Case number: 20-000191-AS

Judge: Hon. Wanda Stokes

In re James E White
4107 Breakwater Dr
Okemos, MI 48864-4413
517-381-1960
james-e-white@idearights.com

Employer: MICH ST UNIVER UNMPL
COMP DIV
1407 S Harrison, Suite 240
East Lansing, MI 48823-5239
mosesa@hr.msu.edu (Amanda Moses)
and
Unemployment Insurance Appeals
Commission
Jason D. Hawkins (P71232)
Michigan Department of Attorney General
Labor Division
P.O. Box 30736
Lansing, MI 48909
(517) 335-7641
hawkinsj@michigan.gov

As the *de facto* prevailing party in the present case given that the Unemployment Insurance Appeals Commission promptly upon receipt of their copies of plaintiffs filed requests for Superintending Control in the Ingham County 30th Judicial Circuit Court proceeded to process and issue a notice of request and an order regarding plaintiffs request for Reopening, etc., the following bill of costs is tendered.

Certified Bill of Costs

Date	Amount	For
3/19/2020	\$ 1.10	Postage to UIAC & MSU
3/27/2020	\$ 1.10	Postage to UIAC & MSU
3/27/2020	\$ 175.00	Complaint for Superintending Control filing with Ingham County 30th Judicial Court
3/28/2020	\$ 0.55	Postage for check mailing to 30th Circuit.
Total	\$ 177.75	

Submitted via email attachment to CircuitCourtRecords@ingham.org

I declare under the penalties of perjury that this bill of costs has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Date: May 26, 2020

/s/ James E. White

Ingham County 30th Judicial Circuit Court

Case number: 20-000191-AS

Judge: Hon. Wanda Stokes

In re James E White
4107 Breakwater Dr
Okemos, MI 48864-4413
517-381-1960
james-e-white@idearights.com

Employer: MICH ST UNIVER UNMPL
COMP DIV
1407 S Harrison, Suite 240
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mosesa@hr.msu.edu (Amanda Moses)
and
Unemployment Insurance Appeals
Commission
Jason D. Hawkins (P71232)
Michigan Department of Attorney General
Labor Division
P.O. Box 30736
Lansing, MI 48909
(517) 335-7641
hawkinsj@michigan.gov

Proof of Service

I certify that copies of the certified bill of costs have been provided via email on May 26, 2020 to:

- Unemployment Insurance Appeals Commission, P.O. Box 30475, Lansing, MI 48909-7975 LEO-UIAC-Info@michigan.gov
- Jason D. Hawkins (P71232), Attorney for Michigan Unemployment Insurance Appeals Commission, Michigan Department of Attorney General, Labor Division, P.O. Box 30736, Lansing, MI 48909 HawkinsJ@michigan.gov
- Amanda Moses, Employee Relations Professional, Michigan State University, 1407 S Harrison, Suite 240, East Lansing, MI 48823-5239 mosesa@msu.edu

Date: May 26, 2020

/s/ James E. White

Ingham County 30th Judicial Circuit Court

JAMES EDWARD WHITE,
Plaintiff-Appellant,

Case type: AE
Lower Ct./Tribunal No. 17-024033-255373W

V

MICH ST UNIVER UNMPL COMP DIV
and
Michigan Unemployment Insurance Agency,
Defendant(s)-Appellee(s).

JAMES EDWARD WHITE
4107 Breakwater Dr.
Okemos, MI 48864
(517) 381-1960
james-e-white@idearights.com

MICH ST UNIVER UNMPL COMP DIV
Amanda Moses
Employee Relations Professional
1407 S Harrison, Suite 240
East Lansing, MI 48823
(517) 884-0104
mosesa@msu.edu

CLAIM OF APPEAL

JAMES EDWARD WHITE, plaintiff, claims an appeal of right from the order entered on April 30, 2020 by the Unemployment Insurance Appeals Commission (UIAC), per MCL 421.38(1) and MCR 7.103(A)(3), in the Ingham County 30th Judicial Circuit Court of the county in which MSU principally is located.

A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in this court, where it was given case number 20-191-AS and was assigned to Judge Wanda Stokes. While court action remains pending the claimant has *de facto* prevailed with the UIAC responding to the notice of Superintending Control request. Additionally a civil action was previously filed in the Court of Claims, given case number 18-000219-MZ, and was assigned to Judge Michael J. Kelly. The Court of Claims action is no longer pending, however, that matter is now in the Court of Appeals as case number 349812 with no judges assigned.

This complaint is submitted via email attachment to CircuitCourtRecords@ingham.org (Per 30th Judicial Circuit Court Local Administrative Order 2020-03) on May 27, 2020.

I declare under the penalties of perjury that this appeal has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Date: May 27, 2020

and/or: /s/ James E. White

Ingham County 30th Judicial Circuit Court

JAMES EDWARD WHITE,
Plaintiff-Appellant,

Case type: AE
Lower Ct./Tribunal No. 17-024033-255373W

V

MICH ST UNIVER UNMPL COMP DIV
et al.,

Defendant(s)-Appellee(s).

Request for Certified Copy of the Record

Upon receipt of this notice of a Claim of Appeal the Unemployment Insurance Appeals Commission is respectfully requested to provide a certified copy of the record of its case 17-024033-255373W to the Ingham County 30th Judicial Circuit Court, 315. S Jefferson Street, 3rd Floor, Mason, MI 48854, CircuitCourtRecords@ingham.org.

Proof of Payment

I certify that a check for \$175 will be mailed to the Ingham County 30th Circuit Court, PO Box 40771, Lansing MI 48901 as soon as I have the case number to write upon it.

Proof of Service

I certify that copies have been provided via email on May 27, 2020 to:

- Unemployment Insurance Appeals Commission, P.O. Box 30475, Lansing, MI 48909-7975 LEO-UIAC-Info@michigan.gov
- Amanda Moses, Employee Relations Professional, Michigan State University, 1407 S Harrison, Suite 240, East Lansing, MI 48823-5239 mosesa@msu.edu

Additional Documents Attached

1. Copy of Order Denying Application for Reopening and Review.
2. Verification that a Transcript has been requested and is in progress.
3. Register of MCAC/UIAC actions.

Should anything else be required plaintiff-appellant respectfully requests that the Court Clerk immediately ask for it via plaintiff's USPS or email address above.

Date: May 27, 2020

/s/ James E. White

STATE OF MICHIGAN
UNEMPLOYMENT INSURANCE APPEALS COMMISSION

In the Matter of

JAMES E. WHITE,

Appeal Docket No.: 17-024033-255373W

Claimant,

UIA Case No.: 10634324

MICHIGAN STATE UNIVERSITY,

Employer.

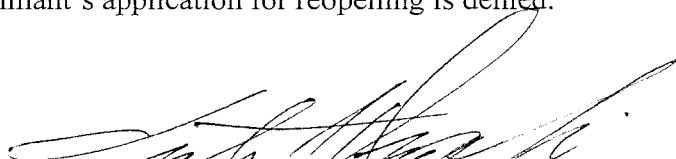
ORDER DENYING APPLICATION FOR REOPENING AND REVIEW

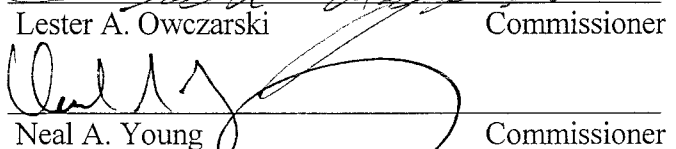
This matter is before the Unemployment Insurance Appeals Commission (Commission) upon the application of the claimant for reopening and review by the Commission of its decision dated March 7, 2018. In an order dated February 6, 2019, the Commission denied the claimant's request for rehearing.

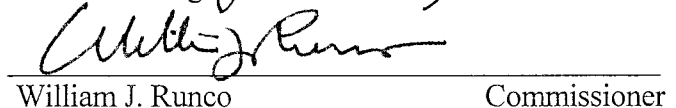
Under Section 34 of the Michigan Employment Security Act, the Commission may reopen and review the decision dated March 7, 2018, only if "good cause" has been demonstrated.

The Commission, having read and considered the claimant's application for reopening, is of the opinion that "good cause" for reopening and review has not been demonstrated.

IT IS THEREFORE ORDERED that the claimant's application for reopening is denied.


Lester A. Owczarski Commissioner


Neal A. Young Commissioner


William J. Runco Commissioner

MAILED AT LANSING, MICHIGAN

APR 30 2020

This order will become final unless a written appeal therefrom is RECEIVED by the clerk of the appropriate circuit court on or before

JUN 01 2020

TO PROTECT YOUR RIGHTS, YOU MUST BE ON TIME.

IMMEDIATELY: If needed, call 1-866-500-0017 for assistance in the translation and understanding of the information in the document(s) you have received.

[illegible]

INMEDIATAMENTE: Si es necesario, llame al 1-866-500-0017 para obtener ayuda en la traducción y comprensión de la información en el documento (s) que ha recibido.

立即：如果需要，请致电1-866-500-0017以协助翻译和了解您收到的文件中的信息。

Menjëherë: Nëse është e nevojshme, telefononi 1-866-500-0017 për të ndihmuar në përkthimin dhe kuptimin e informacionit në dokumentet që keni marrë.

**STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
UNEMPLOYMENT INSURANCE APPEALS COMMISSION
P.O. Box 30475
Lansing, MI 48909-7975
1-800-738-6372 or (517) 284-9300
Fax: (517) 241-7326**

IMPORTANT NOTICE TO PARTIES

Attached is an order of the Unemployment Insurance Appeals Commission (Commission) which will become final unless further action is taken by you.

The Michigan Employment Security Act provides for the following method of recourse from final orders of the Commission.

APPEALS TO CIRCUIT COURT

Sec. 38. The circuit court of the county in which the claimant resides or the circuit court of the county in which the claimant's place of employment is or was located, or, if a claimant is not a party to the case, the circuit court of the county in which the employer's principal place of business in this state is located, may review questions of fact and law on the record made before the administrative law judge and the Commission involved in a final order or decision of the Commission, and may make further orders in respect thereto as justice may require, but the court may reverse an order or decision only if it finds that the order or decision is contrary to law or is not supported by competent, material, and substantial evidence on the whole record. Application for review shall be made within 30 days after mailing a copy of the order or decision by any method permissible under the rules and practices of the circuit courts of this state.

NOTE

IF AN APPEAL IS MADE UNDER THE ABOVE SECTION, THE APPEAL MUST BE FILED WITH THE OFFICE OF THE CIRCUIT COURT CLERK OF THE COUNTY WHERE THE APPEAL IS TAKEN.

THE RESPONSIBILITY FOR PROPERLY AND TIMELY FILING SUCH AN APPEAL RESTS WITH THE PARTY INVOLVED. THE COMMISSION DOES NOT HAVE THE AUTHORITY TO FILE AN APPEAL ON BEHALF OF ANY PARTY.

TIME FOR AND FILING OF APPEALS

Your attention is directed to the time for filing a claim of appeal to circuit court. Filing means the date on which the claim of appeal is **RECEIVED** in the office of the clerk of the court in which the action is taken.

(08/19)

Authority: M.E.S. ACT. SECTIONS 34-36

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
UNEMPLOYMENT INSURANCE APPEALS COMMISSION*

NOTICE OF REQUEST FOR REOPENING

UIAC Docket No.: 255373WHO

Date of UIAC Decision/Order: 03/07/2018

Date of Petition: 03/06/2019

Appellant: Claimant

IN THE MATTER OF:

Claimant: James E. White
4107 Breakwater
Okemos, MI 48864-4413

Employer: Michigan State University
Unemployment Comp. Division
1407 South Harrison Road
Suite 110
East Lansing, MI 48823-5239

UIA Case Number: 10634324

Registration No.: 0800416

A request for reopening has been filed in the case identified above.

You are not required to do anything at this time. After the case is reviewed, you will receive an order from the Unemployment Insurance Appeals Commission (UIAC) and further appeal rights.

P.O. Box 30475
Lansing, MI 48909-7975
(517) 284-9300 or 1-800-738-6372
Fax: (517) 241-7326

*Pursuant to Executive Order 2019-13 effective August 11, 2019, the Michigan Compensation Appellate Commission was replaced by the Unemployment Insurance Appeals Commission.

English

IMPORTANT! This document(s) contains important information about your unemployment compensation rights, responsibilities and/or benefits. It is critical that you understand the information in this document.

IMMEDIATELY: If needed, call 1-866-500-0017 for assistance in the translation and understanding of the information in the document(s) you have received.

Arabic

مهم! نتم. القدياوف وا / و لكتاي لورؤس مو كالأطبل اناض يوعت قوقح نع مدم تامول عم ىلع (قئائول) ققيتول هذه ايرتحت ادم
بنسمل اذه يف كراول تامول عملا موقت نا

(قئائول) ققيتول يف تامول عملا موقت مخرجت يف كدعاسمل 1-866-500-0017 ىلع لصت سمالا مزل اذا: روقلا ىلع
امتيفلت يثلا

Spanish

¡IMPORTANTE! Este (s) documento (s) contiene información importante sobre sus derechos, responsabilidades y / o beneficios de compensación por desempleo. Es fundamental que entienda la información de este documento.

INMEDIATAMENTE: Si es necesario, llame al 1-866-500-0017 para obtener ayuda en la traducción y comprensión de la información en el documento (s) que ha recibido.

Mandarin

重要！ 本文件包含有关您的失业补偿权利，责任和/或利益的重要信息。了解本档中的信息至关重要。

立即：如果需要，请致电1-866-500-0017以协助翻译和了解您收到的文件中的信息。

Albanian

E rëndësishme! Ky dokument përmban informacione të rëndësishme për të drejtat, përgjegjësitë dhe / ose përfitimet e papunësisë. Është e rëndësishme të kuptojmë informacionin në këtë dokument.

Menjëherë: Nëse është e nevojshme, telefononi 1-866-500-0017 për të ndihmuar në përkthimin dhe kuptimin e informacionit në dokumentet që keni marrë.

**Ingham County
30th Judicial Circuit Court**

JAMES EDWARD WHITE,
Plaintiff-Appellant,

Case type: AE
Lower Ct./Tribunal No. 17-024033-255373W

V

MICH ST UNIVER UNMPL COMP DIV
et al.,
Defendant(s)-Appellee(s).

STATEMENT REGARDING TRANSCRIPT

☒ There were no hearings held in the Unemployment Insurance Appeals Commission (or Michigan Compensation Appellate Commission), so there is no transcript from there.

☐ The Certificate of Ordering Transcript from the Michigan Administrative Hearing System is attached to this statement.

☒ I have ordered the transcript of the relevant hearings as shown by the attached document.

Provide the dates of hearings and the responsible reporter/recorder, if known.

November 29, 2017

ALJ Winston A. Wheaton

Date: May 27, 2020

and/or: /s/ James E. White

From: [THERESA STEVENS](#)
To: [James White](#)
Subject: RE: Transcript for James White
Date: Friday, May 22, 2020 1:20:42 PM

Hi James -

It's been taking anywhere from 3 days to 2 weeks. I'm not sure which departments are being cut back and are only working Tuesday thru Thursday. I did submit the request and now it's up to the state as to when they put the hearing on the web. Once I receive the hearing I will email you back with our transcript request form.

Thank you

Theresa

Theresa's Transcription Service

P.O. Box 21067

Lansing, MI 48909-1067

(517) 882-0060

On May 22, 2020 at 12:11 PM James White <james-e-white@idearights.com> wrote:

Hi Theresa,

If I understand things correctly, I, the plaintiff, am responsible for ordering the transcript and paying for it to be done and sent to the Circuit Court. The Circuit Court then certifies that I've done that and later provides notice that they've received and filed the transcript.

I have to file by June 1 but I was hoping to do it today or Tuesday/Wednesday next week at the latest. If nothing else, I will submit this email string as my "proof" even though it perhaps won't indicate any payment. I can tell you that the recording is 43 minutes and 10 seconds long and I can even provide you with a copy (9MB) if you'd like.

So with all that said, what do you guess it will take within some reasonable ballpark based on your current experience. Are we talking 3 days in general, two weeks, a month? You have the expertise, I'm totally new to the process this being my first time.

Thanks,

James E. White

4107 Breakwater Dr

Okemos, MI 48864

(517) 381-1960

From: THERESA STEVENS [mailto:ttrans2001@comcast.net]

Sent: Friday, May 22, 2020 10:20 AM

To: James White

Subject: RE: Transcript for James White

It's taking longer then normal due to the stay at home order. So I'm not really sure how long it will be.

Theresa's Transcription Service

P.O. Box 21067

Lansing, MI 48909-1067

(517) 882-0060

On May 22, 2020 at 10:11 AM James White <james-e-white@idearights.com> wrote:

Thanks Theresa,

How long does that usually take?

Thanks,

James E. White

4107 Breakwater Dr

Okemos, MI 48864

(517) 381-1960

From: THERESA STEVENS [<mailto:ttrans2001@comcast.net>]
Sent: Friday, May 22, 2020 9:57 AM
To: James White
Subject: RE: Transcript for James White

I will order the hearing from the state and once they place it on the web, I'll get back with you.

Thank you

Theresa

Theresa's Transcription Service
P.O. Box 21067
Lansing, MI 48909-1067
(517) 882-0060

On May 22, 2020 at 9:30 AM James White <james-e-white@idearights.com> wrote:

Hi Theresa,

Best I can tell the claim name is:

James E. White v Mich St Univer Unempl Comp Div

Hearing date was November 29, 2017 at 8:30 AM via telephone.

Holler if you need more.

James E. White

4107 Breakwater Dr

Okemos, MI 48864

(517) 381-1960

From: THERESA STEVENS [<mailto:ttrans2001@comcast.net>]
Sent: Friday, May 22, 2020 9:05 AM
To: James White
Subject: Re: Transcript for James White

Good Morning -

Could you please give me the Claim name,
employer name and date/s of hearing.

Thank you

Theresa

Theresa's Transcription Service
P.O. Box 21067
Lansing, MI 48909-1067
(517) 882-0060

On May 21, 2020 at 3:53 PM James
White <[james-e-
white@idearights.com](mailto:james-e-white@idearights.com)> wrote:

Hi Theresa,

I need a transcript prepared for a UIAC
appeal to the Ingham County 30th
Circuit Court.

The ALJ Docket number is 17-024033
and the Case Number is 10634324. The
recording is named
WHEA0709_WHEATON_11292017082916AM_17-
024033 White.ds2 if that's of any use to
you.

The UIAC (formerly MCAC) Appeal
Docket Number is 17-024033-255373W

James E. White, Claimant

Michigan State University, Employer

Please let me know how to proceed at
your earliest convenience.

Thank you,

James E. White

4107 Breakwater Dr

Okemos, MI 48864

(517) 381-1960

Appeal Docket No. 17-024033-25 73W

Claimant James E. White Employer Michigan State University

WITNESSES SWORN: _____

REPORTER'S REMARKS: (Please include any special stipulations, orders, etc., announced during hearing.)

Reporter's Signature

I hereby certify that on this date I personally deposited in the United States mail sealed envelopes, on each one of which was sufficient prepaid postage, properly addressed to each of the parties at his respective address as listed on the face of this document, in each of which envelopes was enclosed a true copy of the attached.

IN NOTICE of this date. EH 1/25/18
Authorized Agent of MCAC Date

I hereby certify that on this date I personally deposited in the United States mail sealed envelopes, on each one of which was sufficient prepaid postage, properly addressed to each of the parties at his respective address as listed on the face of this document, in each of which envelopes was enclosed a true copy of the attached.

Dee of this date. SM 3-7-18
Authorized Agent of MCAC Date

I hereby certify that on this date I personally deposited in the United States mail sealed envelopes, on each one of which was sufficient prepaid postage, properly addressed to each of the parties at his respective address as listed on the face of this document, in each of which envelopes was enclosed a true copy of the attached.

RH NOTICE of this date. VU 04/19/18
Authorized Agent of MCAC Date

I hereby certify that on this date I personally deposited in the United States mail sealed envelopes, on each one of which was sufficient prepaid postage, properly addressed to each of the parties at his respective address as listed on the face of this document, in each of which envelopes was enclosed a true copy of the attached.

Quinn of this date. SM 2-6-19
Authorized Agent of MCAC Date

I hereby certify that on this date I personally deposited in the United States mail sealed envelopes, on each one of which was sufficient prepaid postage, properly addressed to each of the parties at his respective address as listed on the face of this document, in each of which envelopes was enclosed a true copy of the attached.

RD NOTICE PREPARED TO BE of this date. VU 04/27/20
included w/ decision Authorized Agent of MCAC Date

I hereby certify that on this date I personally deposited in the United States mail sealed envelopes, on each one of which was sufficient prepaid postage, properly addressed to each of the parties at his respective address as listed on the face of this document, in each of which envelopes was enclosed a true copy of the attached.

Quinn of this date. SM 4.30.20
Authorized Agent of MCAC Date

**STATE OF MICHIGAN
IN THE 30TH JUDICIAL CIRCUIT FOR INGHAM COUNTY**

**In re: James White Complaint for Order of
Superintending Control**

ORDER OF DISMISSAL

CASE NO. 20-191-AS

HON. WANDA M. STOKES

At a session of said Court
held in the city of Mason, county of Ingham,
this 26 day of May, 2020.

This matter comes before the Court on Petitioner James E White's Complaint for Order of Superintending Control, filed March 27, 2020.

Orders for superintending control are governed by MCR 3.302, which provides that such orders supplant various writs in the context of one court exercising its superintending control power over a lower court. Pertinently, MCR 3.302(D)(2) provides that where an appeal is available, a complaint for superintending control must be dismissed.

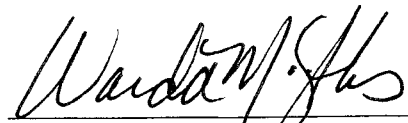
Here, an appeal arising from the same dispute is currently pending before the Court of Appeals, Docket No. 349812. The docket listing indicates the case is open, and no disposition of the matter is apparent.

THEREFORE IT IS ORDERED that this matter is **DISMISSED** for lack of subject-matter jurisdiction.

In accordance with MCR 2.602(A)(3), the Court finds that this order resolves the last pending claim between the parties and closes the case.

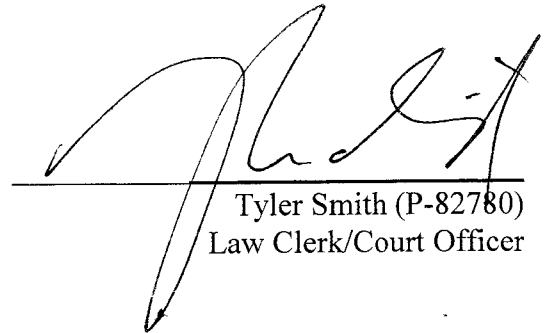
5-26-2020

Date


Hon. Wanda M. Stokes
Circuit Court Judge

PROOF OF SERVICE

I hereby certify that I provided a copy of the above ORDER to each attorney of record, or to the parties, by hand delivery, or by placing a true copy in a sealed envelope, addressed to each, with full postage prepaid and placing said envelope in the United States mail, on May 27, 2019.



Tyler Smith (P-82780)
Law Clerk/Court Officer

Ingham County 30th Judicial Circuit Court

Case number: 20-000191-AS
Judge: Hon. Wanda M. Stokes

In re James E White
4107 Breakwater Dr
Okemos, MI 48864-4413
517-381-1960
james-e-white@idearights.com

Employer: MICH ST UNIVER UNMPL
COMP DIV
1407 S Harrison, Suite 240
East Lansing, MI 48823-5239
mosesa@hr.msu.edu (Amanda Moses)
and
Unemployment Insurance Appeals
Commission
Jason D. Hawkins (P71232)
Michigan Department of Attorney General
Labor Division
P.O. Box 30736
Lansing, MI 48909
(517) 335-7641
hawkinsj@michigan.gov

Motion to Reverse or Correct Dismissal

Per MCR 7.113(A)(2) Plaintiff James Edward White moves that the dismissal of May 26, 2020 be reversed or corrected as appropriate so that dismissal does not jeopardize Plaintiff's rights to costs or to pursue the May 29, 2020 Claim of Appeal filing in the Ingham County 30th Judicial Circuit Court to review the Unemployment Insurance Appeals Commission final order in case 17-024033-255373W.

Date: June 1, 2020

/s/ James E. White

Ingham County 30th Judicial Circuit Court

Case number: 20-000191-AS
Judge: Hon. Wanda M. Stokes

In re James E White
4107 Breakwater Dr
Okemos, MI 48864-4413
517-381-1960
james-e-white@idearights.com

Employer: MICH ST UNIVER UNMPL
COMP DIV
1407 S Harrison, Suite 240
East Lansing, MI 48823-5239
mosesa@hr.msu.edu (Amanda Moses)
and
Unemployment Insurance Appeals
Commission
Jason D. Hawkins (P71232)
Michigan Department of Attorney General
Labor Division
P.O. Box 30736
Lansing, MI 48909
(517) 335-7641
hawkinsj@michigan.gov

Brief in Support of 06/01/2020 Plaintiff's Motion to Reverse or Correct Dismissal

Perhaps Plaintiff is not correctly understanding MCR 1.109(D)(2)(a)(ii) but as Plaintiff sees it there were two completely different issues arising from Michigan State University's payout on September 29, 2017 of accrued vacation during a layoff:

1) the calculated amount was incorrect due to at least two errors and that case, after the University refused to correct their errors, was taken to Small Claims Court then moved to the Court of Claims per MCL 600.6491(1), *et al.*, and is now under appeal in the Michigan Court of Appeals per MCL 600.6446 as case 349812; and

2) the payout was used by the Michigan Unemployment Insurance Agency (UIA) and subsequently an Administrative Law Judge and the Unemployment Insurance

Appeals Commission (UIAC, formerly MCAC) to incorrectly offset/deny an unemployment benefit payment to plaintiff for the week of September 29, 2017.

It is the second of these issues (or disputes) for which case 20-191-AS for Circuit Court Superintending Control was filed because, at the time of the filing, the UIAC had not responded to requests for reopening/rehearing, etc., filed in March 2019. The Michigan Court of Appeals is not relevant or available to the UIA denial of unemployment benefits until after the UIAC final decision is properly adjudicated due to an appeal in the Ingham County 30th Judicial Circuit Court per MCL 421.38(1). In fact MCL 600.6491(4) explicitly excludes issue 2 above from Court of Claims review and (5) explicitly leaves it with circuit courts. Therefore Hon. Wanda M. Stokes' dismissal on May 26, 2020 on MCR 3.302(D)(2) grounds is clearly incorrect, the only Superintending Control appeal available from the UIAC by any Ingham County plaintiff vs MSU in East Lansing is to the Ingham County 30th Judicial Circuit Court as MCL 421.38(1) requires and MCR 3.302(D)(1) allows.

Plaintiff has no objections to the case being concluded since the UIAC has, by finally taking action in response to the Superintending Control filing, effectively declared Plaintiff the *de facto* prevailing party but Plaintiff does believe that if a dismissal is appropriate it must be for a correct reason though perhaps a Decision, Judgement or other action before or after issuing an appropriate order to the UIAC and/or declaring Plaintiff the prevailing party given the UIAC's responsive action is likely more appropriate. Dismissal is acceptable only as long as it does not negate Plaintiff's May 26, 2020 filing for costs and as long as it has no effect on the May 29, 2020 filed Claim of Appeal from the UIAC order and the Claim of Appeal's subsequent processing.

Submitted via email attachment to CircuitCourtRecords@ingham.org

I declare under the penalties of perjury that this motion and brief have been examined by me and that their contents are true to the best of my information, knowledge, and belief.

Date: June 1, 2020

/s/ James E. White

Ingham County 30th Judicial Circuit Court

Case number: 20-000191-AS
Judge: Hon. Wanda M. Stokes

In re James E White
4107 Breakwater Dr
Okemos, MI 48864-4413
517-381-1960
james-e-white@idearights.com

Employer: MICH ST UNIVER UNMPL
COMP DIV
1407 S Harrison, Suite 240
East Lansing, MI 48823-5239
mosesa@hr.msu.edu (Amanda Moses)
and
Unemployment Insurance Appeals
Commission
Jason D. Hawkins (P71232)
Michigan Department of Attorney General
Labor Division
P.O. Box 30736
Lansing, MI 48909
(517) 335-7641
hawkinsj@michigan.gov

Proof of Service

I certify that copies of the motion to reverse or correct dismissal and its brief have been provided via email on June 1, 2020 to:

- Unemployment Insurance Appeals Commission, P.O. Box 30475, Lansing, MI 48909-7975 LEO-UIAC-Info@michigan.gov
- Jason D. Hawkins (P71232), Attorney for Michigan Unemployment Insurance Appeals Commission, Michigan Department of Attorney General, Labor Division, P.O. Box 30736, Lansing, MI 48909 HawkinsJ@michigan.gov
- Amanda Moses, Employee Relations Professional, Michigan State University, 1407 S Harrison, Suite 240, East Lansing, MI 48823-5239 mosesa@msu.edu

Date: June 1, 2020

/s/ James E. White

**Ingham County
30th Judicial Circuit Court**

June 4, 2020

Clerk of the Court
Ingham County Circuit Court
313 W. Kalamazoo St.
Lansing, MI 48933

via e-mail at:
CircuitCourtRecords@ingham.org

**Case number: 20-000191-AS
Hon. Wanda M. Stokes**

Dear Clerk:

Attached please find for filing plaintiff's Corrected Motion to Reverse or Correct Dismissal. The correction consists of changing MCL 600.6491 in two instances to the correct MCL 600.6419.

A check for \$40 is being sent to the Clerk's Office via USPS for the original and this corrected motion.

Also please anticipate that per 7.110 and 7.211(B)(4) an opposing brief to the UIA's answer will be filed.

You may also note that the below documents now incorporate Michigan State University's attorney and an updated MSU email address.

Date: June 4, 2020

/s/ James E. White

**Ingham County
30th Judicial Circuit Court**

Case number: 20-000191-AS
Hon. Wanda M. Stokes

In re James E White
4107 Breakwater Dr
Okemos, MI 48864-4413
517-381-1960
james-e-white@idearights.com

Employer: MICH ST UNIVER UNMPL
COMP DIV
Brian T. Quinn (P66272)
Attorney for MSU
426 Auditorium Road, Room 494
East Lansing, MI 48824
(517) 884-9483
abturiel@msu.edu (Uri Abt)

Jason D. Hawkins (P71232)
Attorney for Unemployment Insurance
Appeals Comn.
Michigan Dept. of Attorney General
Labor Division, PO Box 30736
Lansing, MI 48909
(517) 335-7641
HawkinsJ@michigan.gov

**Corrected Motion to Reverse or Correct
Dismissal**

Per MCR 7.113(A)(2) Plaintiff James Edward White moves that the dismissal of May 26, 2020 be reversed or corrected as appropriate so that dismissal does not jeopardize Plaintiff's rights to costs or to pursue the May 29, 2020 Claim of Appeal filing in the Ingham County 30th Judicial Circuit Court to review the Unemployment Insurance Appeals Commission final order in case 17-024033-255373W.

Date: June 4, 2020

/s/ James E. White

Ingham County 30th Judicial Circuit Court

Case number: 20-000191-AS
Judge: Hon. Wanda M. Stokes

In re James E White
4107 Breakwater Dr
Okemos, MI 48864-4413
517-381-1960
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Attorney for Unemployment Insurance
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(517) 335-7641
HawkinsJ@michigan.gov

Brief in Support of 06/01/2020 Plaintiff's Motion to Reverse or Correct Dismissal

Perhaps Plaintiff is not correctly understanding MCR 1.109(D)(2)(a)(ii) but as Plaintiff sees it there were two completely different issues arising from Michigan State University's payout on September 29, 2017 of accrued vacation during a layoff:

1) the calculated amount was incorrect due to at least two errors and that case, after the University refused to correct their errors, was taken to Small Claims Court then moved to the Court of Claims per MCL 600.6419(1), *et al.*, and is now under appeal in the Michigan Court of Appeals per MCL 600.6446 as case 349812; and

2) the payout was used by the Michigan Unemployment Insurance Agency (UIA) and subsequently an Administrative Law Judge and the Unemployment Insurance

Appeals Commission (UIAC, formerly MCAC) to incorrectly offset/deny an unemployment benefit payment to plaintiff for the week of September 29, 2017.

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Plaintiff has no objections to the case being concluded since the UIAC has, by finally taking action in response to the Superintending Control filing, effectively declared Plaintiff the *de facto* prevailing party but Plaintiff does believe that if a dismissal is appropriate it must be for a correct reason though perhaps a Decision, Judgement or other action before or after issuing an appropriate order to the UIAC and/or declaring Plaintiff the prevailing party given the UIAC's responsive action is likely more appropriate. Dismissal is acceptable only as long as it does not negate Plaintiff's May 26, 2020 filing for costs and as long as it has no effect on the May 29, 2020 filed Claim of Appeal from the UIAC order and the Claim of Appeal's subsequent processing.

Submitted via email attachment to CircuitCourtRecords@ingham.org

I declare under the penalties of perjury that this motion and brief have been examined by me and that their contents are true to the best of my information, knowledge, and belief.

Date: June 4, 2020

/s/ James E. White

Ingham County 30th Judicial Circuit Court

Case number: 20-000191-AS
Judge: Hon. Wanda M. Stokes

In re James E White
4107 Breakwater Dr
Okemos, MI 48864-4413
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Jason D. Hawkins (P71232)
Attorney for Unemployment Insurance
Appeals Comn.
Michigan Dept. of Attorney General
Labor Division, PO Box 30736
Lansing, MI 48909
(517) 335-7641
HawkinsJ@michigan.gov

Proof of Service

I certify that copies of the motion to reverse or correct dismissal and its brief have been provided via email on June 4, 2020 to:

- Unemployment Insurance Appeals Commission, P.O. Box 30475, Lansing, MI 48909-7975 LEO-UIAC-Info@michigan.gov
- Jason D. Hawkins (P71232), Attorney for Michigan Unemployment Insurance Appeals Commission, Michigan Department of Attorney General, Labor Division, P.O. Box 30736, Lansing, MI 48909 HawkinsJ@michigan.gov
- Brian T. Quinn, Attorney for MSU, Michigan State University, 426 Auditorium Road, Room 494, East Lansing, MI 48824 abturiel@msu.edu

Date: June 4, 2020

/s/ James E. White

June 3, 2020

Clerk of the Court
Ingham County Circuit Court
313 W. Kalamazoo Street
Lansing, MI 48901

via e-mail at:
CircuitCourtRecords@ingham.org

Re: *In re James E. White*
Case No. 20-191-AS

Dear Clerk:

Attached please find for filing with the Court, the Michigan Unemployment Insurance Appeals Commission's Response to Motion to Reverse or Correct Dismissal; together with proof of service.

Sincerely,



Jason Hawkins
Assistant Attorney General
Labor Division
(517) 335-7641

:slb
Enc.

c: James E. White (via e-mail and first class mail)

STATE OF MICHIGAN
CIRCUIT COURT FOR THE 30TH JUDICIAL CIRCUIT
INGHAM COUNTY

IN RE JAMES E. WHITE.

No. 20-191-AS

HON. WANDA STOKES

**MICHIGAN UNEMPLOYMENT INSURANCE APPEALS COMMISSION'S
RESPONSE TO JAMES WHITE'S MOTION TO
REVERSE OR CORRECT DISMISSAL**

COUNTER-STATEMENT OF FACTS AND PROCEEDINGS

On or around March 27, 2020, James White filed a complaint for superintending control asking this Court to take control and jurisdiction over his then-pending request for reopening or rehearing and to present argument to the Michigan Unemployment Insurance Appeals Commission. (R1, Compl for Superintending Control.) Thus, Mr. White asked this Court to stand in the place of the Commission and issue a decision on his request. (*Id.*)

On April 30, 2020, the Commission issued an order denying Mr. White's application for reopening. (Attachment A, p 1.) The Commission concluded that Mr. White did not establish the requisite "good cause" for reopening his case before the Commission. (*Id.*) The Commission's order notified Mr. White that he could appeal that order to a circuit court. (*Id.*)

On May 26, 2020, this Court issued an order dismissing Mr. White's complaint for superintending control because the Court concluded it lacked subject-matter jurisdiction. (R4, Order of Dismissal.) The next day, Mr. White filed a bill of

costs “as the *de facto* prevailing party in the present case,” seeking \$177.75. (R5, Certified Bill of Costs.)

On May 29, 2020, Mr. White filed an appeal of the Commission’s April 30, 2020 order. *White v Michigan State University, et al*, Ingham County Circuit Court Case No. 20-301-AE.

On June 1, 2020, Mr. White filed the present motion asking the Court to “reverse[] or correct[]” its May 26 order so that Mr. White can continue seeking costs and continue pursuing his appeal of the Commission’s April 30 order. (R10, Motion to Reverse or Correct Dismissal.)

For the reasons stated below, the Commission asks this Court to deny Mr. White’s motion and his attempt to recover costs.

ARGUMENT

I. This Court correctly dismissed the complaint for superintending control.

When a party seeks superintending control, it asks a court to take jurisdiction over a matter and “order a lower court to perform a legal duty.” *Shepherd Montessori Center Milan v Ann Arbor Charter Twp.*, 259 Mich App 315, 346–347 (2003), citing *Barham v Workers’ Compensation Appeal Bd*, 184 Mich App 121, 127 (1990). Thus, by filing his complaint for superintending control, Mr. White asked this Court to issue an order directing the Commission to issue a decision on his request for reopening. The Commission did that, however, on April 30, 2020. (Attachment A.) At that point, therefore, there was no relief for the Court to grant

Mr. White. Thus, the Court was certainly justified in dismissing Mr. White's complaint on May 26, 2020.

The Court cited MCR 3.302(D)(2) in its dismissal order. This rule provides that complaints for superintending shall be dismissed if the requesting party has an appeal remedy available to them. Mr. White has that remedy, and in fact exercised it on June 1, 2020, when he filed an appeal of the Commission's April 30 order.

Thus, the Court acted correctly when it dismissed Mr. White's complaint.

II. The Court should deny Mr. White's attempt to recover costs.

Mr. White filed the present motion, in part, to protect his ability to pursue costs in this case. (R10, Motion to Reverse or Correct Dismissal; Br in Supp, p 2.) But Mr. White is not entitled to costs in this action. The Court did not grant him the relief he sought (in fact, the Court expressly denied him that relief), and therefore he is not a prevailing party in this case.

Despite this Court denying Mr. White the relief he sought, he nevertheless asserts that he is a "*de facto* prevailing party." (Br in Supp, p 2.) But he cites no legal authority for this assertion. And, as our Supreme Court has held, a party cannot "simply to announce a position" and leave it to a court to search for legal support for it. *Wilson v Taylor*, 457 Mich 232 (1998), quoting *Mitcham v. Detroit*, 355 Mich 182, 203 (1959). Thus, this Court should consider Mr. White's assertion of being the prevailing party in this action as being abandoned. *Houghton v Keller*, 256 Mich App 336, 339–340 (2003)(the "failure to properly address the merits of [an] assertion of error constitutes abandonment of the issue.").

CONCLUSION AND RELIEF REQUESTED

For the reasons stated above, the Unemployment Insurance Appeals Commission asks this Court to deny Mr. White's motion to reverse or correct dismiss and his request for costs.

Respectfully submitted,

Dana Nessel
Attorney General

A handwritten signature in blue ink that reads "Jason Hawkins". The signature is stylized with a large, sweeping initial "J" and a cursive script for the rest of the name.

Jason Hawkins (P71232)
Assistant Attorney General
Attorneys for Michigan
Unemployment Insurance Appeals
Commission
Labor Division
P.O. Box 30736
Lansing, MI 48909
(517) 335-7641

Dated: June 3, 2020

STATE OF MICHIGAN
CIRCUIT COURT FOR THE 30TH JUDICIAL CIRCUIT
INGHAM COUNTY

IN RE JAMES E. WHITE

No. 20-191-AS

HON. WANDA STOKES

James E. White
Appearing In Pro Per
4107 Breakwater Drive
Okemos, MI 48864

Jason Hawkins (P71232)
Attorney for Michigan Unemployment
Insurance Appeals Commission
Michigan Department of Attorney General
Labor Division
P.O. Box 30736
Lansing, MI 48909
(517) 335-7641

PROOF OF SERVICE

The undersigned certifies that on June 3, 2020, a copy of the Michigan Unemployment Insurance Appeal Commission's Response to Motion to Reverse or Correct Dismissal was served on the following individuals by e-mail and by mailing the same to James E. White at 4107 Breakwater Drive, Okemos, Michigan 48864, with first class postage fully prepaid.



Legal Secretary

Bill of Costs

Row	Date	Amount	For
2	3/19/2020	\$ 1.10	Postage to UIAC & MSU
3	3/27/2020	\$ 1.10	Postage to UIAC & MSU
4	3/27/2020	\$175.00	Complaint for Superintending Control filing with Ingham County 30th Judicial Court
5	3/28/2020	\$ 0.55	Postage for check mailing to 30th Circuit.
6	6/3/2020	\$ 0.55	Postage for check for Motion to Reverse/Correct Dismissal
7	6/12/2020	\$ 0.55	Postage for corrected check for Motion
8	6/12/2020	\$ 20.00	Motion fee to Reverse or Correct Dismissal
10	2/22/2021	\$386.25	Court of Appeals Filing
11	2/22/2021	\$ 25.00	Circuit Court Appeal to Higher Court Fee
12	2/22/2021	\$ 20.00	Frivolous Defense Motion Fee
Total		\$630.10	

Row	Date	Start	End	Hours	Note
46	2/20/2020	19:00	21:15	2:15	Study Extraordinary Writ and Superintending rules/law
53	3/15/2020	13:15	17:50	4:35	Researching MCAC superintending filing for circuit court.
54	3/17/2020	19:05	21:00	1:55	Prepare draft of filing for superintending in Ingham circuit court
55	3/18/2020	16:20	17:15	0:55	Prepare final version of circuit court filing for mailing and email
56	3/18/2020	18:35	20:20	1:45	"
57	3/19/2020	7:20	7:35	0:15	Finalize and send circuit court filing
77	5/3/2020	11:45	12:00	0:15	Review UIAC denial
103				3:15	Examine AG Hawkins email and research options
	5/20/2020	16:25	19:40		
104	5/20/2020	20:10	21:15	1:05	" and reply
123				1:30	Review Dismissal of Superintending request and start motion for correcting that
	5/30/2020	14:10	15:40		
124	5/30/2020	18:10	18:45	0:35	More work on dismissal motion
125				5:45	Dismissal motion completed and prepped for sending and legal assistance request to APA
	5/31/2020	11:15	17:00		
126	6/2/2020	16:50	19:35	2:45	Correction request to Circuit Court
128				3:05	Work on correction to dismissal reverse/correct motion
	6/3/2020	16:20	19:25		
129	6/3/2020	19:50	22:30	2:40	finish and send correction
130	6/4/2020	16:50	18:30	1:40	Read cases cited in UIAC brief
131	6/4/2020	18:55	21:00	2:05	"
132	6/5/2020	16:20	18:10	1:50	Start Opposing Brief

133	6/6/2020	10:55	12:35	1:40 "
134	6/6/2020	12:55	19:35	6:40 "
135	6/6/2020	20:05	21:15	1:10 "
136	6/7/2020	9:45	15:00	5:15 "
137	6/7/2020	16:50	18:10	1:20 "
138	6/7/2020	18:45	21:35	2:50 "
139	6/8/2020	16:15	17:05	0:50 Completed and filed Opposing Brief
277				1:50 Begin Leave of Appeal to Appeals Court
	2/11/2021	16:25	18:15	for 191.
278	2/11/2021	19:10	20:00	0:50 More Leave to Appeal 191
279	2/13/2021	12:20	17:45	5:25 "
280	2/14/2021	10:40	17:10	6:30 "
281	2/14/2021	18:15	20:00	1:45 "
282	2/19/2021	7:30	12:35	5:05 "
283	2/19/2020	12:55	17:15	4:20 " including appendix and costs
284	2/20/2021	7:25	14:20	6:55 "
285	1/20/2021	15:45	19:30	3:45 "
286				2:15 Finalize Leave of Appeal main document
	2/21/2021	7:30	9:45	
287	2/21/2021	10:25	18:20	7:55 Leave of Appeal peripheral documents
288	2/21/2021	19:10	21:30	2:20 "
289	2/22/2021	8:55	11:00	2:05 " Finalize documents, PDF, file.

Hours:Minutes 108:55



Honorable Wanda M. Stokes



Courtroom located in
Mason Courthouse
3rd Floor

Notice: Due to COVID-19, all hearings are currently being conducted remotely via Zoom. If you are a member of the public interested in attending one of Judge Stokes' virtual hearings, please use Meeting ID - 302 481 3199 and Password: Stokes3141 so that you may attend the hearing.

[Watch Recorded Hearings](#)

- Appointed Circuit Court Judge – December, 2018

- Re-elected – November 2020
- Term Expires - January, 2027

Education

- Michigan State University, B.A.
- University of Detroit-Mercy School of Law, Juris Doctorate

Experience

- Ford Motor Company, Office of General Counsel
- Auto Owners Insurance Company as an Attorney and Director
- State of Michigan
 - Dept. of Attorney General in various positions including:
 - Assistant Attorney General
 - Chief of Staff
 - Bureau Chief
 - Division Chief
 - Practice Group Leader
 - Deputy Director of Michigan Dept. of Licensing & Regulatory Affairs
 - Director of Talent Investment Agency – Cabinet Member
- Private Law Practice in both civil and criminal areas
- Litigation Experience in both Federal and State Courts
- Admitted to practice in Eastern District of Michigan; Western District of Michigan; and Sixth Circuit Court of Appeals
- Adjunct Professor at Thomas Cooley Law School



Associations/Affiliations

- State Bar of Michigan
- Ingham County Bar Association
- Davis-Dunnings Bar Association
- American Bar Association
- Michigan Judges Association
- Commissioner of Attorney Grievance Commission (2012 – 2015)
- Member of State Bar Character and Fitness Committee (2008 – 2018)

Community Involvement

- Michigan Women Forward (MWF) formerly Michigan Women's Foundation (2018 – present)
- Lansing NAACP (2012 – present)

- Delta Sigma Theta Sorority, Inc. (1990 to present)
- Highfields Board of Directors (1994 – 1999; Chair 1997 – 1998)
- Board of Directors for Boys and Girls Club of Lansing (2003 – 2010)
- Board of Directors for the Capital Area United Way; Member of the Executive Committee and Audit Committee Chair (2008 – 2012)
- YWCA of Lansing (1995 – 1999)

Lives with her husband, retired army Colonel James E. Stokes, in Okemos, MI.



341 S. Jefferson, Mason MI 48854



Contacts

Elected Officials Contacts



Courts Contacts



Board of Commissioners



Department Contacts



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State of Michigan apologizes for unemployment fiasco, wants to reduce penalties

By David Eggert, Associated Press

Posted Jan 30, 2017 at 10:00 AM

Updated Jan 30, 2017 at 10:02 AM

The state agency that handles unemployment benefits has officially apologized for an error that resulted in at least 20,000 people being accused of fraud.

LANSING, Mich. (AP) — A state official who is conducting a wide-ranging review of Michigan's embattled unemployment benefits office apologized for the fiasco that led at least 20,000 people to be falsely accused of defrauding a system that provides the jobless with temporary financial assistance.

Talent Investment Agency Director Wanda Stokes, whose agency includes the state Unemployment Insurance Agency, added that lawmakers should consider reducing what she said are the country's highest financial penalties for unemployment fraud.

"I really feel horrible about this whole situation," she told The Associated Press in an interview Friday. "At the most vulnerable and stressful time in their life, they are now being accused of fraud. ... I understand that they're angry and I'm angry, too. It shouldn't have happened."

Stokes, who took charge of the umbrella agency that oversees the unemployment office in July, said Republican Gov. Rick Snyder appointed her to "assess the situation and then fix it."

The state is reviewing about 50,000 cases from a nearly two-year period that cover roughly 40,000 people who were determined to have committed fraud — either solely by an automated computer system or by a mix of the software and some level of staff involvement. That typically means they were flagged for receiving "overpayments" to which they had not been entitled.

In many cases between October 2013 and August 2015, however, they did not commit fraud and — to compound being forced to pay restitution — were hit with interest along with penalties equaling two or four times the overpayment. Their wages and income tax refunds were garnished. Lawyers for people suing the state say some suffered worse credit ratings, job prospects and consequences from not being able to spend money they needed.

On Jan. 11, U.S. District Judge Robert Cleland approved an agreement by which the state is halting all collection activities against people who were subject to fraud determinations in the period in question, "unless and until individually reviewed by agency staff and affirmed with new notice to claimant." The state must comply by late February.

Separately, the Michigan Court of Appeals is expected to soon schedule arguments in a 2015 class-action lawsuit that seeks economic damages.

"People have suffered greatly in addition to the financial losses that they've experienced. I think it's only just that they receive some compensation from the state for the stress and the strain," said Jennifer Lord, a Royal Oak-based attorney representing the plaintiffs in state court.

The state started using the Michigan Integrated Data Automated System (MiDAS) in 2013. The "robo-" or "auto-adjudication" system issued fraud determinations based on discrepancies in reported earnings, hours worked and other information.

The problem, Lord said, is three-fold.

The state rushed the implementation of a "fatally" designed computer program, which led to improper fraud claims. And a faulty notification process ensured many people were unaware of alleged discrepancies and unable to respond quickly before determinations were finalized, she said. For instance, questions were sent to online accounts for claimants who no longer were getting benefits and had no reason to check.

"I want them to know that we apologize for this situation and that we are looking at now going forward with a system that works for them and one that they can trust in the future," said Stokes, who previously held top roles at the Michigan Department of Licensing and Regulatory Affairs, the state attorney general's office and in the private sector. She reassigned the director of the Unemployment Insurance Agency more than three weeks ago.

Stokes said the agency cannot "unilaterally" lower 400 percent penalties that are codified in law, but she plans to talk to legislators about more "reasonable" penalties. While she did not specify an amount, she said penalties should be designed to encourage compliance and "shouldn't be too harsh."

A review of unemployment fraud cases made public in December found an error rate of 93 percent for about 22,000 cases in which determinations were solely made by the computer system between 2013 and 2015. The state now is reviewing 28,000 other cases from that time that were handled by the computers and staff.

A new law prevents the agency from adjudicating a claimant's case as fraud without human verification and reduces the statute of limitations so it can pursue fraud three years back instead of six. But legislators plan to propose more bills in the new two-year session as needed.

Senate Minority Leader Jim Ananich, a Flint Democrat, wants to create a fund so people are paid back and to address a potential statute of limitations issue — which may be resolved in court — for people who were flagged for fraud involving benefits they had gotten years ago.

“This was something the government did wrong, and the citizens didn’t, so we’ve got to solve it,” he said.

Ann Arbor-based lawyer David Blanchard, who represents individuals in the federal case whose plaintiffs also include the United Auto Workers union and the Sugar Law Center in Detroit, said he is hopeful after the state agreed to stop collections.

“It’s sad that it’s taken so long. But it’s good that it’s finally gotten to the point where it’s impossible to deny that the system is broke and that it needs to be fixed,” he said. “That was not the first response from the state.”

Follow David Eggert on Twitter at <https://twitter.com/DavidEggert00>. His work can be found at <http://bigstory.ap.org/author/david-eggert>