

Court of Appeals, State of Michigan

ORDER

Shelly A Chastain-Firestone v State Employees Retirement Board

Docket No. 322553

LC No. 14-000074-AA

Amy Ronayne Krause
Presiding Judge

Donald S. Owens

Stephen L. Borrello
Judges

The Court orders pursuant to MCR 7.205(E)(2) that the circuit court's June 16, 2014 opinion and order is REVERSED. The decedent's December 8, 2009 beneficiary nomination form naming his sister as his retirement allowance beneficiary was "filed with the retirement board" as required by MCL 38.31(1)(a) because it was "delivered to and received by" the Office of Retirement Services before his death. *People v Madigan*, 223 Mich 86, 89 (1923). The retirement board's determination that the office's receipt of the form was sufficient to deem it "filed" under MCL 38.31(1)(a) was entitled to respectful consideration, and the circuit court erred in overruling that interpretation without cogent reasons. *In re Complaint of Rovas Against SBC Mich*, 482 Mich 90, 103 (2003).

We do not retain jurisdiction.

This order has immediate effect pursuant to MCR 7.215(F)(2).



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

NOV - 6 2014

Date

Chief Clerk