

Court of Appeals, State of Michigan

ORDER

Jerry R Lee v Educational Staffing Solutions

Docket No. 333976

LC No. 16-001095-AE

Michael J. Riordan
Presiding Judge

Christopher M. Murray

Karen M. Fort Hood
Judges

Pursuant to MCR 7.205(E)(2), the Court orders that the June 30, 2016 circuit court order reversing the decision of the Michigan Compensation Appellate Commission (MCAC) is REVERSED. In his filings to the MCAC, claimant acknowledged that lack of participation in a hearing was due to his mistaken reading of the instructions, and that he initially sent a document for an appeal to the wrong entity. He did not represent that he had filed a timely appeal with the administrative law judge (ALJ) or the MCAC. Good cause is necessary to reopen the decision of the administrative law judge after the 30-day appeal period had expired. MCL 421.33(1). On the basis of the record and the filings, the MCAC determined that the claimant had failed to show good cause. The circuit court reasoned that the record should have been better developed to determine when the ALJ received claimant's filing. But in light of the assertions made before the MCAC, there was no basis for the court to reverse the MCAC's decision. The court decision reflects a misapplication or misunderstanding of the substantial evidence test. *Hodge v US Security Assoc, Inc*, 497 Mich 189, 194; 859 NW2d 683 (2015).

This order is to have immediate effect. MCR 7.215(F)(2).

[Faint signature of Michael J. Riordan]



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

DEC 21 2016

Date

[Signature of Jerome W. Zimmer Jr.]
Chief Clerk