

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

HELEN V. KUPRASHUK,

Plaintiff-Appellant,

vs.

No. **83-334785 AE**

GREYHOUND LINES and MICHIGAN  
EMPLOYMENT SECURITY COMMISSION,

Defendants-Appellees.

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**HELEN V. KUPRASHUK, In-Pro-Per**  
**Plaintiff-Appellant**

**R. E. HARRINGTON, INC.**  
**Agent for Defendant-Appellee,**  
**Greyhound Lines**

**FRANK J. KELLEY, Attorney General**  
**of the State of Michigan**  
**By: MORRIS J. KLAU (P 34415)**  
**Assistant Attorney General**  
**Counsel for Defendant-Appellee,**  
**Michigan Employment**  
**Security Commission**

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**OPINION**

At a session of said Court  
held in the City-County Bldg.,  
Detroit, Michigan, on

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PRESENT: Hon. Thomas J. Foley  
Circuit Judge

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This matter comes before the  
court by way of an appeal from a decision of the Michigan  
Employment Security Board of Review. The Board affirmed a  
referee's decision that pursuant to sections 28(1)(b) and  
32(a) of the Michigan Employment Security Act the Appellant

was not eligible for unemployment insurance benefits for the period beginning September 13, 1981 through October 3, 1981.

A brief statement of the facts is as follows:

Appellant was employed by Greyhound Lines and was discharged on September 13, 1981. On October 9, 1981, Appellant applied for unemployment insurance benefits for the period of September 13, 1981 to October 3, 1981. This request was denied because good cause had not been established for her late filing. After being affirmed in a redetermination on February 3, 1982, Appellant appealed and a hearing was convened before Referee John G. Kelly on February 23, 1982.

At this hearing Appellant testified that she had initiated steps to return to her job by filing a grievance, but that this grievance was not immediately answered. Additionally, she alleged she was unfamiliar with the filing requirements under the Michigan Employment Security Act. Referee Kelly found that the reasons for Appellant's late filing were not contained in Rule 210(2)(b) of the Administrative Rules of the Commission. This decision was affirmed by the Board, which found it to be in conformity with the law and the facts. Appellant filed her claim of appeal with this court on November 14, 1983.

At issue is whether the Appellant showed good cause for late filing.

This court's review on appeal is limited by section 38 of the Act which provides:

The circuit 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.

A review of the record indicates that the decision of referee Kelly was based on competent, material and substantial evidence. This court cannot substitute its own judgment for that of the administrative agency if there is substantial evidence which supports the agency, Smith v Employment Security Commission, 410 Mich 231 (1981).

Therefore the decision of the Board of Review is hereby affirmed. An order conforming to this opinion shall be presented within ten (10) days.

**THOMAS J. FOLEY**

CIRCUIT JUDGE

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