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CIRCUIT COURT ORDER/OPINION
Stephine Gwin, Circuit Court CLERK

Appeal Docket No: 182123

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Board Member and assigned attorney to case

Other:

Reversed

Potential Digest Case

TrA Section of the Act

Date: 2/8, 2006

RD
R. Douglas Daligga, Director
MES - Board of Review

PC _____
REP _____

Prepared by Stephine Gwin

STATE OF MICHIGAN
CIRCUIT COURT FOR THE 39TH JUDICIAL CIRCUIT
LENAWEE COUNTY

STATE OF MICHIGAN DEPT OF LABOR
& ECONOMIC GROWTH, UNEMPLOYMENT
INSURANCE AGENCY/TRA SPECIAL
PROGRAMS UNIT,

Court No. 05-2006 AE
Hon. Harvey A. Koselka

Agency/Appellant,

v

MATTHEW REDLIN,

Claimant/Appellee.

39th JUDICIAL CIRCUIT
FILED
JAN 11 2006
LISJ ANN BLUNTSCHLY
LENAWEE CO CLERK ADRIAN MI

ORDER REVERSING DECISION OF THE
MICHIGAN EMPLOYMENT SECURITY BOARD OF REVIEW

At a session of said Court held in the City of Adrian, County of Lenawee, State of Michigan, on

PRESENT: Harvey A. Koselka
Circuit Judge

This matter having come on before the Court on an appeal from a decision of the Michigan Employment Security Board of Review. The Board of Review relied on the theory of estoppel to allow it to reverse the Michigan Unemployment Insurance Agency's decisions that held claimant ineligible for TRA unemployment benefits for non-compliance with 19 USC § 2291(a)(5);

And the Court being fully advised in the premises, having reviewed the certified record, considered the briefs of the parties and heard oral arguments,

IT IS HEREBY ORDERED for reasons stated from the Bench that the decision of the Michigan Employment Security Board of Review is hereby REVERSED.

/s/HARVEY A. KOSELKA

Circuit Judge

Dated: JAN 11 2006

STATE OF MICHIGAN
EMPLOYMENT SECURITY BOARD OF REVIEW

In the Matter of the Claim of

MATTHEW REDLIN,

Appeal Docket No.: TRA 2005-00062-182123

Claimant

Social Security No.: ██████████

UIA/TRA SPECIAL PROGRAMS UNIT,

Employer

DECISION OF BOARD OF REVIEW

This case is before the Board of Review as a result of the Agency's July 22, 2005 appeal from a June 30, 2005 Administrative Law Judge [Referee] decision. The Referee's June 30, 2005 decision reversed a May 11, 2005 Unemployment Insurance Agency [Agency] redetermination and found the claimant entitled to Trade Readjustment Allowance [TRA] benefits. After reviewing the record, we find the Referee's decision should be affirmed. Our reasons are as follows.

In our opinion, the Referee's decision is in conformity with the facts as developed at the Referee hearing and properly applied the law to the facts.

All claimants who file for TRA benefits are referred to Michigan Works!¹ Michigan Works! is charged with processing both training authorizations and waivers.

In the instant matter, the claimant acted on the faulty advice of a Michigan Works! employee. Even though the Agency designated Michigan Works! to act on its behalf, the Agency asserts Michigan Works! should not be considered its agent.

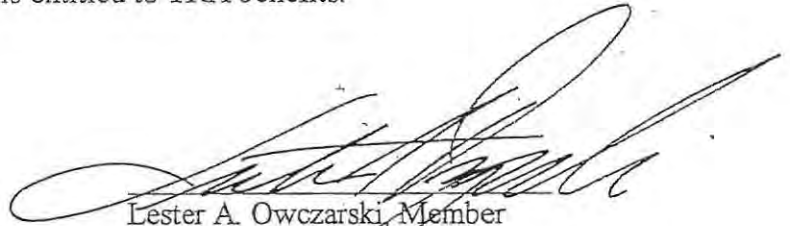
The Michigan Works! Agency does not act as agent for the Unemployment Insurance Agency or as agent for the United States Department of Labor in matters related to TRA unemployment allowances, and to the extent a staff person of the Michigan Works! Agency gave advice about TRA unemployment allowances, he acted beyond the scope of his authority.

Since the UIA produces Fact Sheets which claimants are to utilize in filing claims which refer them to Michigan Works!, we cannot but wonder at what point a claimant [with no knowledge of the "system" or USDOL] should be expected to know that an employee of that Agency "acted beyond the scope of his authority."

¹ See State of Michigan, DLEG, Unemployment Insurance Agency, Fact Sheet #102.

For the reasons stated above, the Referee's June 30, 2005 decision is affirmed.

For the reasons stated above, the claimant is entitled to TRA benefits.



Lester A. Owczarski, Member



Charlotte L. Duncil, Member

MAILED AT LANSING, MICHIGAN

SEP 02 2005

This decision will become final unless a written request for rehearing or appeal to the appropriate circuit court is RECEIVED on or before OCT 03 2005

TO PROTECT YOUR RIGHTS, YOU MUST BE ON TIME.