

Instructions: Review the instructions and checklist on the back BEFORE completing this form. Go to www.mi.gov/erb for a PowerPoint slideshow about appealing. Incomplete filings can lead to delay or dismissal of an application.

State of Michigan
Civil Service Commission
EMPLOYMENT RELATIONS BOARD
400 South Pine Street, Suite 102, Lansing, Michigan 48913
or P.O. Box 30002, Lansing, Michigan 48909
TELEPHONE: (517) 335-5588
FAX: (517) 335-2884
E-MAIL: MDCS-ERB@michigan.gov
WEB SITE: www.mi.gov/erb

APPLICATION FOR LEAVE TO APPEAL TO THE EMPLOYMENT RELATIONS BOARD

Part A — CASE NAME			
DECISION NUMBER		REFERENCE NUMBER	
Part B — PROVIDE A BRIEF, CHRONOLOGICAL HISTORY OF YOUR COMPLAINT OR GRIEVANCE. (Additional sheets may be attached, if needed. If using the on-line interactive version, you may use your tab key when you reach the end of this section for more space.)			
Part C — CHECK AT LEAST ONE BOX AND EXPLAIN THE GROUNDS FOR APPEAL. (Additional sheets may be attached, if needed. If using the on-line interactive version, you may use your tab key when you reach the end of this section for more space.)			
<input type="checkbox"/> The decision of the adjudicating officer is erroneous. (If selecting this ground, you must identify specific and material errors of fact or law in the decision.)			
<input type="checkbox"/> The decision violates Article 11, Section 5 of the Michigan Constitution or is otherwise contrary to law, including the Civil Service Commission Rules or Civil Service Regulations. (If selecting this ground, you must identify the specific rule, regulation, agency rule, or other provision violated by the adjudicating officer's decision and explain how the decision violates that provision.)			
<input type="checkbox"/> The question presented in the decision is of major significance to the classified service. (If selecting this ground, you must identify how the issues raised in your grievance or complaint, the decision of the adjudicating officer, or your application affects, or could affect, not just yourself, but many others in the classified service.)			
Part D — INDICATE WHO IS SUBMITTING THE APPLICATION AND PROVIDE THE INFORMATION REQUESTED. If there is more than one appealing party, attach form CS-1793 or additional sheets providing the name, address, and telephone number for each appealing party. If there is an Authorized Representative, also provide the information requested for the representative.			
Form completed by: (check one) <input type="checkbox"/> APPEALING PARTY <input type="checkbox"/> APPEALING PARTY'S AUTHORIZED REPRESENTATIVE			
APPEALING PARTY'S NAME (Please print)		APPEALING PARTY'S REPRESENTATIVE'S NAME (Please print)	
EMPLOYEE IDENTIFICATION NUMBER		ORGANIZATION	
STREET ADDRESS/P.O. BOX		STREET ADDRESS/P.O. BOX	
CITY		CITY	
STATE	ZIP	STATE	ZIP
PHONE NUMBER		PHONE NUMBER	FAX NUMBER
E-MAIL ADDRESS		E-MAIL ADDRESS	
SIGNATURE OF APPEALING PARTY OR REPRESENTATIVE			DATE

**INSTRUCTIONS AND CHECKLIST FOR COMPLETING AN
APPLICATION FOR LEAVE TO APPEAL TO THE EMPLOYMENT RELATIONS BOARD**

A detailed PowerPoint slideshow on how to file an application for leave to appeal can be viewed at www.mi.gov/erb.

Civil Service (CS) Regulation 8.05, *Employment Relations Board Appeal Procedures*, establishes standards for appealing decisions of adjudicating officers to the Civil Service Commission (CSC) through the Employment Relations Board (Board). Use this form to appeal all adjudicating officer decisions except a non-exclusively represented employee's discharge from state employment. Use Form CS-1756, *Claim of Appeal as of Right to the Employment Relations Board* for appealing a discharge. CS Regulation 8.06, *Computing Time and Filing Documents* should be referenced for other filing requirements.

Deadline — The original application, 6 complete copies (**total of 7 copies**), and a Proof of Service must be received in the Board office **within 28 calendar days** of the mailing date on the front of the adjudicating officer's decision (not the postmark date on the envelope). An extension of the deadline for filing of up to 28 days is available if you obtain the agreement of the other party or parties and failing that, obtain permission from the Board office for a sufficient justification. An extension of time must be requested before the deadline for filing has passed.

Filing checklist – Incomplete or late filings can lead to delay or dismissal of your application.

- Part A — Identify the case being appealed.** Include the decision number (such as HERM 2009-001 or TAD 2000-002), and Civil Service Reference Number from the front page of the adjudicating officer's decision.
- Part B — Briefly describe the events, dates, and findings leading up to this application.** Provide a brief, chronological outline (with dates) of the history of your current complaint.
- Part C — Identify and explain grounds for appeal.** Check at least one box and then **explain** the grounds for appeal. Failure to meaningfully explain grounds for appeal can result in a delay or dismissal. This is the section where you present your arguments about the merits of your appeal. Merely stating that the adjudicating officer's decision is wrong or unfair is insufficient. If your appeal is lengthy, list your major points, number them, and then give detail about each major point, using sub-headings, if needed.
- Part D — Identify the appealing party and any representative.** Indicate who is submitting the application for leave to appeal by checking the appropriate box. The appealing party must (1) sign and date the form and (2) provide contact information for the appealing party and any representative. For appeals with more than one appealing party, an authorized representative may sign on behalf of the group and provide the group members' names, mailing addresses, and phone numbers on a CS-1793 form or an attached sheet. If there is an Authorized Representative, also provide the information requested about the Representative.
- Provide copies of the application to the Board and to other parties.** Send the **original application and 6 complete copies (7 copies total)** to the Board at the address on the front of this form. Retain a copy for your records. If initially submitting by fax or e-mail, the Board must **receive** the original and 6 complete copies of the signed application during the following 7 calendar days by mail or personal delivery. You do not need to include documents already submitted to the adjudicating officer as the Board office will obtain the record from the adjudicating officer. A copy of the application and any attachments **must** simultaneously be delivered to the other parties who participated in the adjudication process, including any interested parties. The Technical or Benefits Review Officer should be provided a copy of any application appealing a technical or benefits decision.
- Provide the Board Proof of Service on all other parties and interested parties.** When submitting your application, you **must** also provide the Board a completed Proof of Service form (CS-1740) or a statement showing the names and addresses of those served, the documents served, the date served, and the manner of service. Copies of the Proof of Service do **not** need to be given to the other parties.

- Provide any additions to the record.** The record is closed when the adjudicating officer's final decision is issued. CS Regulation 8.05, §(4)(M) allows additions to the record under limited circumstances. To offer an addition to the record, you **must** submit a separate document titled "Motion to supplement the record" for technical or benefits applications or "Motion to admit new evidence" for grievances or unfair labor practice applications. The motion should (1) explain why the addition to the record is being offered now instead of earlier, and (2) in a technical or benefit appeal, show why the technical or benefits record is inadequate, or in a grievance or unfair labor practice appeal, show a legally sufficient reason to accept the addition to the record. The Board will reject the additions to the record if no motion is offered.
- Explain any untimeliness.** If your application will be late without an approved extension for filing, you **must** provide an explanation for your lateness or your application will be dismissed. A separate document titled "Motion requesting permission to file a late application" must accompany the filing which demonstrates good cause or special extenuating circumstances for the late filing. See CS Regulation 8.05, §(4)(H)(2)(c) or the PowerPoint slideshow at www.mi.gov/erb for more direction on filing a late appeal.

After receiving the completed application for leave to appeal, other parties may file a reply brief within 28 calendar days of service (mailing date) of your application for leave to appeal and **must** send you a copy. CS Regulation 8.05 does not permit a response to the reply brief. The Board will review the adjudicating officer's decision, the record, application for leave to appeal, and the reply brief and decide whether to grant leave to appeal. If leave is granted, parties may be requested to submit additional briefs and appear for a presentation to the Board. All parties will be notified in writing of the Board's recommended or final decision. The Board's decision will be forwarded to the CSC automatically for its consideration.

CS Regulation 8.05, CS Regulation 8.06, the CS-1740 Proof of Service form and other information about appealing an adjudicating officer's decision are available at www.mi.gov/erb, or from the Board office.