

State of Michigan  
Civil Service Commission  
**EMPLOYMENT RELATIONS BOARD**  
400 South Pine Street, Suite 102  
P.O. Box 30002, Lansing, Michigan 48909  
TELEPHONE: (517) 335-5588  
FAX: (517) 335-2884  
E-MAIL: [MDCS-ERB@michigan.gov](mailto:MDCS-ERB@michigan.gov)

**Review the instructions on the reverse side before completing this form.**

## APPLICATION FOR LEAVE TO APPEAL TO THE EMPLOYMENT RELATIONS BOARD

<b>Part A — Case Name</b>			
<b>DECISION NUMBER</b>	<b>REFERENCE NUMBER</b>	<b>CS-138 NUMBER (If applicable)</b>	
<p><b>Part B — Provide a concise statement of material proceedings and findings.</b> (See instructions. Additional sheets may be attached, if necessary; or if using the interactive version of this form, use your tab key when you reach the end of this section for more space.)</p>			
<p><b>Part C — Check one or more of the boxes <u>and</u> then explain the grounds for appeal.</b> (See instructions. Additional sheets may be attached, if necessary; or if using the interactive version of this form, use your tab key when you reach the end of this section for more space.)</p> <p><input type="checkbox"/> The decision of the adjudicating officer is erroneous.</p> <p><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.</p> <p><input type="checkbox"/> The question presented in the decision is of major significance to the classified service.</p>			
<p><b>Part D — Indicate who is submitting the application and provide the Appellant information requested. If there is more than one Appellant, attach form CS-1793 or additional sheets providing the name, address, and telephone number for each Appellant. If there is an Authorized Representative, also provide the information requested.</b> (See instructions.)</p> <p style="text-align: center;"> <input type="checkbox"/> Appellant             <span style="margin-left: 200px;"><input type="checkbox"/> Appellant's Authorized Representative</span> </p>			
<b>APPELLANT'S NAME (Please print)</b>		<b>APPELLANT'S REPRESENTATIVE'S NAME (Please print)</b>	
<b>EMPLOYEE IDENTIFICATION NUMBER</b>		<b>ORGANIZATION</b>	
<b>STREET ADDRESS/P.O. BOX</b>		<b>STREET ADDRESS/P.O. BOX</b>	
<b>CITY</b>		<b>CITY</b>	
<b>STATE</b>	<b>ZIP</b>	<b>STATE</b>	<b>ZIP</b>
<b>PHONE NUMBER</b>		<b>PHONE NUMBER</b>	<b>FAX NUMBER</b>
<b>E-MAIL ADDRESS</b>		<b>E-MAIL ADDRESS</b>	
<b>Signature of Appellant or Representative</b>			<b>DATE</b>

## INSTRUCTIONS FOR COMPLETING APPLICATION FOR LEAVE TO APPEAL TO THE EMPLOYMENT RELATIONS BOARD

This form is intended to help parties correctly organize an application for leave to appeal. Do not use this form to file a claim of appeal as of right concerning dismissal for just cause – use Form CS-1756, *Claim of Appeal as of Right to the Employment Relations Board*.

Civil Service Regulation 8.05, *Employment Relations Board Appeal Procedures*, establishes standards and procedures to be used when appealing a decision of an adjudicating officer to the Civil Service Commission through the Employment Relations Board (Board). Appellants should read Civil Service Regulation 8.05 before submitting an appeal. In summary, this application must include a concise statement of material proceedings and findings and a showing of grounds for appeal under Civil Service Commission Rule 8-7.5. If a Civil Service adjudicating officer issued the decision being appealed, the Board will obtain the record for the case. If an arbitrator issued the decision being appealed, the Appellant must submit the arbitration decision with the application for leave to appeal.

**Deadline** — The original application and 6 complete copies must be **received** in the Board office within twenty-eight (28) calendar days of the **mailing date** of the adjudicating officer's decision. The Board may dismiss a late application for leave to appeal unless a motion showing good cause or special extenuating circumstances for the delayed filing is attached to the application. Civil Service Regulation 8.06, *Computing Time and Filing Documents*, should also be referenced for filing requirements.

1. **Part A** — Enter the Case Name, Decision Number (such as HERM 2000-001 or TRN 2000-002), Reference Number, and CS-138 Number, if applicable. (See the front page of the adjudicating officer's decision for this information.)
2. **Part B** — Briefly describe the events, dates, and findings leading up to this application.
3. **Part C** — Check one or more of the boxes and then fully explain the grounds for the appeal. Civil Service Commission Rule 8-7.5(b) states that the Board may grant leave to appeal when it is alleged that “(1) the decision of the adjudicating officer is erroneous, (2) the decision violates Article 11, Section 5 of the Michigan Constitution or is otherwise contrary to law, including the civil service rules and regulations, or (3) the question presented is of major significance to the classified service.” Note: The record is closed at the time the adjudicating officer's final decision is issued. However, Civil Service Regulation 8.05, §(4)(m) permits the Board or a party to supplement the technical record or introduce new evidence after a contested hearing in certain circumstances upon a motion from a party and proper notice to all parties.
4. **Part D** — Indicate whether the person submitting the application for leave to appeal is the Appellant or a Representative authorized to represent the Appellant(s). The person submitting the application for leave to appeal must sign, date, and provide the information requested. If there is more than one Appellant, an authorized representative may sign on behalf of the group and provide the group members' names, mailing addresses, and phone numbers on CS-1793 or an attached sheet.
5. **Make copies of the application and any attachments.** Forward a copy of the application form and attachments to the other parties, including any interested parties participating in the adjudication process. Retain a copy for your records. Send the original application and 6 complete copies to the Employment Relations Board, at the address on the front of this form, along with 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. Not serving all the other parties and not providing proof of service to the Board may nullify the application for leave to appeal. If a fax or e-mail transmission is used to fulfill the time requirement, the Board must receive the original and 6 complete copies of the signed application within 7 calendar days. Do not include in the application documents already submitted to the adjudicating officer.

After receiving the completed application, the other parties may file a reply brief within twenty-eight (28) calendar days of service of Appellant's application. The Board will review the decision, the application, and the response brief(s) and decide whether to grant leave to appeal. If leave is granted, parties may be requested to submit additional briefs and appear before the Board to make an oral presentation. All parties will be notified in writing of the Board's recommended (or final) decision.

A copy of Civil Service Regulation 8.05, *Employment Relations Board Appeal Procedures*, and the proof of service form (CS-1740) are available on the Civil Service Web site [www.michigan.gov/mdcs](http://www.michigan.gov/mdcs) or from the Board office. The Civil Service Commission Rules are available on the Civil Service Web site, from the appointing authority, or by ordering it from the Department of Management and Budget Print and Graphic Services.