

**STATE OF MICHIGAN  
IN THE COURT OF CLAIMS**

KELLIE SAUNDERS, ET. AL.,

Plaintiffs,

Case No. 22-000007-MM

Hon. Brock A. Swartzle

STATE OF MICHIGAN DEPARTMENT  
OF LABOR AND ECONOMIC  
OPPORTUNITY - UNEMPLOYMENT  
INSURANCE AGENCY, and JULIE DALE,  
in her official capacity,

Defendants.

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**MOTION FOR LEAVE TO FILE BRIEF *AMICUS CURIAE***

**ON BEHALF OF**

**MICHIGAN REGIONAL COUNCIL OF CARPENTERS AND MILLWRIGHTS**

**AND**

**BRICKLAYERS AND ALLIED CRAFTWORKERS LOCAL UNION NO. 2**

**IN SUPPORT OF PLAINTIFFS**

The Michigan Regional Council of Carpenters and Millwrights and the Bricklayers & Allied Craftworkers Local 2, by and through their attorneys, Novara, Tesija, Catenacci, McDonald & Baas, PLLC, respectfully move for this Honorable Court for leave to file an *amicus curiae* brief. In support of this Motion, these trade unions state as follows:

1. The Michigan Regional Council of Carpenters (hereinafter “MRCC”) is a non-profit, 501(c)(5) tax-exempt entity established for the purpose of representing its membership of over 13,000 individual carpenters and millwrights throughout the entire state of Michigan in the collective bargaining process, as well as protecting the union interests of its members.
2. The Bricklayers & Allied Craftworkers Local 2 (hereinafter “BAC”) is a non-profit, 501(c)(5) tax-exempt entity established for the purpose of representing its membership of approximately 3,800 individual bricklayers, stone and marble masons, tile setters, terrazzo workers, pointers, cleaners, caulkers, cement masons, plasterers, refractory specialists, and finishers in the collective bargaining process, as well as protecting the union interests of its members.
3. Both the MRCC and BAC facilitate their memberships’ priorities including, but not limited to, the improvement of economic and labor conditions through legislative, legal and political assistance.
4. As more particularly described within the proposed *amicus curiae* brief (attached hereto and made a part hereof by reference), the MRCC and BAC are extremely concerned with the actions of Michigan’s Unemployment Insurance Agency (“UIA”) associated with alleged overpayments including, but not limited to, the UIA’s harsh collection activities which currently impact their memberships’ unemployment benefit accounts and more importantly, their members’ health and welfare.

5. The membership of the MRCC and BAC work within trades that are somewhat nomadic such that members may work for several union contractors throughout the year on various projects. Thus, when members are laid off after a project is completed (and before the next contractor hires and/or project commences), they rely on unemployment benefits in order to make a mortgage payment, purchase food and provide a living for their families.

6. Based upon this reliance that unemployment benefits will be available when they are out-of-work, the MRCC and BAC's members depend on the principle that the UIA will follow its own rules and statutory mandates when acting and will operate within the established guidance of the legislature.

7. The UIA's failure to abide by the basic principles established by the legislature regarding its activities associated with overpayments not only jeopardizes the MRCC and BAC memberships' health and welfare, but also sets a dangerous precedent by creating an unstable environment for individuals within the trades that rely on necessary benefits during times of unemployment and then, through neither fault, nor fraud are forced to pay said benefits back.

8. The MRCC and BAC respectfully request that this Honorable Court grant leave to file an *amicus curiae* brief addressing important issues associated with the UIA's current activities concerning alleged overpayments of their members and accept the proposed *amicus curiae* brief (attached hereto and made a part hereof by reference as **Exhibit 1**).

9. Pursuant to Local Rule 2.119(A)(2) on April 4, 2022, counsel for the MRCC and the BAC sought concurrence in the relief sought in this Motion from both Plaintiffs and Defendants. Counsel for Plaintiffs concurred with this Motion; we were unable to receive concurrence from Defendants' counsel.

WHEREFORE, the Michigan Regional Council of Carpenters and the Bricklayers & Allied Craftworkers Local 2 respectfully request that this Honorable Court GRANT their request to participate as *amicus curiae* in this case and accept the proposed brief (attached) for filing.

Respectfully submitted,

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**PROOF OF SERVICE**

I, Bryan M. Beckerman, hereby certify that on April 5, 2022, I caused the foregoing document to be electronically filed with the Clerk of the Court using the electronic filing system which will send notification of such filing to all attorneys of record (noted below):

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Document received by the MI Court of Claims.

# **Exhibit 1**

**STATE OF MICHIGAN  
IN THE COURT OF CLAIMS**

KELLIE SAUNDERS, ET. AL.,

Plaintiffs,

Case No. 22-000007-MM

Hon. Brock A. Swartzle

STATE OF MICHIGAN DEPARTMENT  
OF LABOR AND ECONOMIC  
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**BRIEF *AMICUS CURIAE***

**ON BEHALF OF**

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## STATEMENT OF QUESTIONS INVOLVED

1. Are the policies of the Unemployment Insurance Agency concerning alleged overpayments improper because of its failure to adequately implement due process, waiver and collection procedures?

Plaintiffs state: Yes

MRCC/BAC state: Yes

The UIA is anticipated to state: No

2. Based upon the actions of the Unemployment Insurance Agency and the irreparable harm facing union members and Michiganders, in general, is a preliminary injunction necessary?

Plaintiffs state: Yes

MRCC/BAC state: Yes

The UIA is anticipated to state: No

## STATEMENT OF INTEREST OF AMICUS CURIAE

The Michigan Regional Council of Carpenters and Millwrights and the Bricklayers & Allied Craftworkers, Local 2 hereby submit the following *amicus curiae* brief to this Honorable Court in Case No. 22-000007-MM, recognized as *Saunders, et. al vs. State of Michigan Department of Labor and Economic Opportunity – Unemployment Insurance Agency*.

The Michigan Regional Council of Carpenters (hereinafter “MRCC”) is a non-profit, 501(c)(5) tax-exempt entity established for the purpose of representing its membership of over 13,000 individual carpenters and millwrights in the collective bargaining process, as well as protecting the union interests of its members. The member carpenters help build diverse projects, large and small, residential and commercial. Union millwrights work with precision machinery, installing and maintaining everything from conveyor systems to turbines and generators. The MRCC’s members work through ten (10) local union units and for almost five hundred (500) union contractors throughout the entire state of Michigan.

The Bricklayers and Allied Craftworkers, Local 2 (hereinafter “BAC”) is a non-profit, 501(c)(5) tax-exempt entity established for the purpose of representing its membership of approximately 3,800 individual bricklayers, stone and marble masons, tile setters, terrazzo workers, pointers, cleaners, caulkers, cement masons, plasterers, refractory specialists, and finishers in the collective bargaining process, as well as protecting the union interests of its members. The International Union of Bricklayers & Allied Craftworkers is the oldest labor organization in North America, representing one of the oldest crafts in the world. Local 2, Michigan was formed and chartered in November 1897. Currently, there are over two hundred (200) union contractors affiliated with Local 2.

Both the MRCC and BAC facilitate their memberships’ priorities including, but not limited to, the improvement of economic and labor conditions through legislative, legal and

political assistance. Thus, when the issues addressed in the present case became known to these unions, they instantly recognized that these same matters were having an immensely detrimental effect on their members' livelihoods and well-being and further, would also affect a multitude of other trade unions throughout Michigan.

The memberships of the MRCC and BAC work within trades that are somewhat nomadic. Members may work on various projects for several union contractors throughout a given year. When these individuals are laid off after a project is completed, they depend on unemployment benefits to assist them with making a mortgage payment, purchasing food and clothing, paying taxes and utility bills - - essentially providing for their families. Thus, the MRCC and BAC's members rely on the principle that Michigan's Unemployment Insurance Agency (hereinafter "UIA" and/or "Agency") will follow its own rules and statutory mandates when acting and that it will operate within the established guidance of the legislature. The UIA's failure to abide by the basic principles initiated by the legislature regarding its current overpayment activities not only jeopardizes the MRCC and BAC members' lives, but also risks setting a dangerous precedent by creating an unstable environment for all individuals within the Michigan trades.

No counsel for a party in this lawsuit has authored this brief, in whole or in part, and no party or counsel for a party or any individual other than the *amicus curiae*, their members, or their counsel, has made a monetary contribution intended to fund the preparation or submission of this brief.

## **I. INTRODUCTION**

During the COVID-19 pandemic, the memberships of the MRCC and BAC relied on regular state and/or federal Pandemic Unemployment Assistance ("PUA") unemployment benefits to support themselves and their families. Now, many of these individuals are being told

by the UIA that they have to pay these benefits back, sometimes thousands of dollars, because these monies have now been classified as “overpayments”. The utter havoc created by the UIA’s own errors has caused irreparable harm to countless union members. Stories of these members are varying with regard to what they have recently had to endure from this overreaching governmental agency, but one underlying fact travels throughout each tale - - the members have done nothing wrong and are having to pay for the UIA’s own mistakes and mishandling of their pandemic unemployment cases.

Thus, for the reasons stated herein, the MRCC and BAC argue that the injunctive relief requested by Plaintiffs should be GRANTED since the collection activities of the UIA are improper and lack any form of common sense.

## **II. ARGUMENT**

### **A. The policies of the Unemployment Insurance Agency concerning alleged overpayments are improper because of its failure to adequately implement due process, waiver and collection procedures.**

It is estimated that hundreds of union members filed claims for unemployment benefits during the pandemic. Most of these individuals received both state and federal assistance during this time. While these individuals received their benefits, the UIA’s inaction and mishandling of administrative procedures resulted in benefit over-implementation. Now, although the union claimants were not at fault, the UIA is attempting to fix their mistakes by: 1) assessing alleged overpayments and then collecting these amounts based on Redeterminations that are more than a year after the original Determination; 2) assessing overpayments and collecting these amounts without first considering eligibility for waivers based on their Agency’s error; and 3) assessing overpayments and collecting these amounts before a Determination is final because protests and/or appeals are pending.

An overpayment occurs when unemployment insurance benefits have been paid out to a

claimant and it is later discovered that the individual was not entitled to either a portion, or the full amount of those benefits. However, in Michigan, as in many other states, policies have been adopted whereby just because an overpayment is found, it does not necessarily mean that the claimant must repay those benefits. Specifically in Michigan, MCL 421.62(a) provides a **mandatory** requirement that the UIA “shall waive recovery of an improperly paid benefit if repayment would be contrary to equity and good conscience and shall waive any interest.”

In support of these waivers at the state level is Governor Gretchen Whitmer who in November 2021 stressed that, “[n]o one who followed the rules and received benefits through no fault of their own should have to pay back money to the federal government.” In February 2022, Governor Whitmer again reiterated this point after a meeting with federal government officials by stating that “Michiganders should not be penalized for doing what was right at the time they applied for federal pandemic benefits. . . we are looking to help Michiganders who needed unemployment benefits to pay their bills, keep food on the table, and continue supporting small businesses. I look forward to working with our legislative partners to continue putting Michiganders first and keeping more money in their pockets.” Also in February 2022, UIA Director Julia Dale supported Governor Whitmer’s sentiment by stating that the UIA is taking “. . . proactive efforts to resolve outstanding issues for any Michigan claimant now being asked to repay benefits through no fault of their own.” On the federal level, the U.S. Department of Labor “strongly encourages” states to waive recovery of federal pandemic overpayments when appropriate. [See, UPL 20-21, Change 1 at pp. 4-6].

Notwithstanding these public statements of support for overpayment relief, the Agency appears to have gone rogue and instead has unilaterally decreed that the individuals who received overpayments must pay these amounts back regardless of them doing nothing wrong but having

filed for unemployment benefits during the pandemic. Adding insult to injury, the UIA's oppressive collection activities concerning these alleged overpayments are conducted without either a firm guideline, or deadline in sight. The UIA's regulatory overreach concerning overpayments is offensive and immoral; it has threatened Michiganders and laid waste to all common sense as it sets a dangerous precedent for benefits.

The fact of the matter is that the current overpayment issue to be heard before this Honorable Court is another disaster instigated by the UIA and gives rise to a firm reminder of its "robo-fraud" debacle. The robo-fraud situation was generated when the UIA's practice was to "income spread" (assuming wages were earned in weeks that they were not) which then led to numerous false fraud allegations thrust upon innocent claimants. The time and expense, as well as frustration and heartache suffered by the trades fighting these cases was immeasurable. Now, the UIA's actions associated with the current overpayments are clearly reminiscent of the administrative failures of the Agency's past.

It is an established principle that an agency has no inherent authority of its own. *Oshtemo Charter Twp. V. Kalamazoo Co. Rd. Comm.*, 302 Mich. App. 574, 584 (2013). "Administrative agencies are a creation of the Legislature, and their powers are accordingly limited to those that the Legislature chooses to delegate to them through statute." *Fellows v. Mich. Comm. for the Blind*, 305 Mich. App. 289, 297 (2014); *Fisher v. Kalamazoo Regional Psychiatric Hospital*, 329 Mich. App. 555, 561 (2019). Courts therefore "carefully limit the powers of administrative agencies to ensure that they do not abuse or make baseless expansions of the limited powers delegated to them by the Legislature." *Herrick Dist. Library v. Library of Mich.*, 293 Mich. App. 571, 582 (2011).

In the present case, it is essential for claimants to be provided with due process



throughout the unemployment insurance process concerning alleged overpayments, which includes, in pertinent part, Determinations, Redeterminations, waivers and collection activities. Notwithstanding this need for adequate legal protections, the reality is that the UIA, instead of following the legislature's direction "to protect the welfare of the people of this state" pursuant to the Michigan Employment Security Act ("MESA") [1936 PA 1, MCL 421.1, et. al.] injects frustration and fear into the lives of countless union members, whose lives have been upended.

The current administrative procedures associated with overpayments are ponderous. What is even more disappointing is that the UIA actually argues that it should have until February 2023 before it is required to resolve the issue. The bottom line is that while the UIA makes excuses to extend the time and implement some form of viable plan, labor members not only receive confusing and threatening correspondence from the UIA, but also, what appears to be misinformation from UIA representatives. Where are these members supposed to turn if the government that is tasked to protect its citizens is instead harming them? Union members feel lost, disillusioned and overwhelmed because of the UIA. A sampling of membership issues faced is addressed in the following stories.

In the first week of May 2021, a member received a Determination and Weeks of Over-Payment notice. He was stupefied since he had properly filed for unemployment benefits pursuant to the instructions received from the UIA. The Over-Payment notice specifically stated that it was not a bill. Although worried, the member was confident that the issue would be resolved in his favor. Nonetheless, since the member knew that he was entitled to these benefits, he timely filed a protest/appeal two weeks after receipt of this Determination for his protection.

After not hearing from the UIA with regard to his protest/appeal for months, he received a Monthly Statement from the Agency indicating that he owed a monthly payment amount

toward an overpayment assessment. This letter had the member's head spinning since: 1) the original overpayment notice stated that it was not a bill; 2) his protest/appeal was still pending; and 3) he never entered into any agreement with the UIA to pay a monthly installment amount because he did not believe that he had been overpaid and his protest/appeal was still pending. The member continued to receive a Monthly Statement warning of his "missed payments" so he filed additional protests/appeals after each letter. The UIA never responded and the member became even more fearful that he would not be able to resolve the matter although, once again, he did nothing wrong.

From December 2021 through February 2022, he received Statements from the UIA indicating that based upon an overdue balance, the Agency was going to proceed with collection activity, including: 1) intercepting his federal income tax refund for overpayment of unemployment benefits due to fraud or unreported earnings; 2) withholding future unemployment compensation; 3) intercepting his state income tax refund; 4) garnishment without court order; and 5) filing a civil action in court. Notwithstanding his receipt of these threatening Statements from the UIA, as of today's date - - almost one year later - - his issue has not been formally addressed. The member is disheartened that despite his repeated attempts to rectify the situation and protest/appeal the actions of the UIA, he is left with nothing more than threats from a governmental entity. He shakes his head at what he believes is a calamitous decision that he filed for benefits in the first place. [Examples of the correspondence received by members, in general, is attached hereto and made a part hereof by reference as **Exhibit 1: Weeks of Over Payment Notice**; **Exhibit 2: Monthly Statement**; and **Exhibit 3: Notice of Collection Activity**].

In a second matter, a member received a Redetermination and Weeks of Over-Payment

Notice in the amount of almost \$27,000.00 in September 2021. One can only imagine the sheer dread on the face of this individual as he opened the envelope and saw these letters. He filed a protest/appeal 11 days after receipt of this documentation. Shortly thereafter, he began receiving Monthly Statements demanding payment even though his protest/appeal had been filed. The member was anxious at the prospect of having to pay back such an astronomical amount when he did nothing wrong. He was worried about being able to pay his typical monthly bills while having to face the immediacy of having to pay back the UIA. Once again, this member also filed appeals/protests in response to these Statements and, once again, received no response from the Agency. It is now six months later and the only items received by the member are threatening letters. Feelings of both helplessness and hopelessness pervade his daily life, especially since this member is newly retired.

Another member's story commences in June 2021 after an ALJ hearing where the Judge ordered the Agency to gather information regarding the member's multiple remaining claim issues. Instead of following the court's instruction, the member received a Weeks of Over-Payment Notice in the amount of over \$3,000.00 from the UIA. This completely threw the member for a loop since he was under the distinct impression that he was actually owed additional benefits. He immediately and timely filed a protest/appeal; he has yet to hear from the UIA. In addition, during the months of his pending protest/appeal, he contacted the UIA. During his discussion with the representative, the agent told him that he had to pay, at the very least, the monthly amount contained within the applicable installment payment notices that he received notwithstanding his pending protest/appeal. He felt trapped and believed he had no other option but to make the payment(s) since the representative told him he had to do so. This was not a voluntary payment; it was a payment made based upon coercion for monies that may

not be owed at all. Notwithstanding the payment(s), it has been almost a year without word from the UIA with regard to the individual's protest/appeal.

An additional harm suffered by the general membership of these unions is the fact that many have determined that based upon the horrific stories told by their union brothers and sisters concerning their application for unemployment benefits during the pandemic, they will never apply for benefits, if at all possible. The mental anguish and pain suffered by the members currently subjected by the UIA's present tactics cannot be measured in monetary figures for they are irreparable.

In order to stop the upheaval caused by the UIA's unscrupulous actions, Plaintiffs simply request a "pause/hold/abeyance" of collection activities until a proper evaluation and assessment can be conducted. The unions herein encourage this proposition to afford time for the UIA to rectify its current procedures which, at the very least, are shattering lives that no monetary award can correct. An injunction is a mechanism that would allow a "pause/hold/abeyance" of the UIA's current activities with no harm to the Agency and temporary relief for the afflicted members.

**B. Based upon the actions of the Unemployment Insurance Agency and the irreparable harm facing union members and Michiganders, in general, a preliminary injunction is necessary.**

Generally, the procedure for obtaining a preliminary injunction is set forth in MCR 3.310(A), which provides, in pertinent part, that "the party seeking injunctive relief has the burden of establishing that a preliminary injunction should be issued." MCR 3.310(A)(4); see also, *Detroit Fire Fighters Ass'n. v. Detroit*, 482 Mich. 18, 34 (2008); *Dutch Cookie Machine Co. v. Vande Vrede*, 289 Mich. 272, 280 (1939).

In determining whether to issue a preliminary injunction, a trial judge must consider four elements, which are:

(1) harm to the public interest if the injunction issues; (2) whether harm to the applicant in the absence of temporary relief outweighs the harm to the opposing party if relief is granted; (3) the likelihood that the applicant will prevail on the merits; and (4) a demonstration that the applicant will suffer irreparable injury if the relief is not granted. [*Thermatool Corp. v. Borzym*, 227 Mich. App. 366, 376 (1998); see also, *Detroit Fire Fighters Ass'n.*, 482 Mich. at 34.]

The factors concerning "harm to the opposing party and weighing the public interest[.] . . . merge when the Government is the opposing party," *Nken v. Holder*, 556 U.S. 418, 435 (2009), because "the government's interest is the public interest," *Malam v. Adducci*, 452 F. Supp. 3d 643, 661-62 (E.D. Mich. 2020), *as amended* (Apr. 6, 2020) (quoting *Pursuing America's Greatness v. Fed. Election Comm'n.*, 831 F.3d 500, 512 (D.C. Cir. 2016) (citing *Nken*, 556 U.S. at 435)). Thus, the unions contend that the UIA has no tangible interest in failing to cease collection activity during the pendency of the instant case in light of the public health and economic circumstances in which this case arises and because the public interest in an injunction is significant. The impropriety of seeking collection here is especially egregious because any PUA funds collected from claimants do not even go to the state – they are sent back to Washington. The effect of the Agency's overzealous collection efforts is to take money out of the pockets of financially struggling Michiganders, out of the Michigan economy, and send it to Washington.

As noted above, another factor a trial court must consider before granting a preliminary injunction is "the danger that the party seeking the injunction will suffer irreparable harm if the injunction is not issued." *Davis v. Detroit Fin Review Team*, 296 Mich. App. 568, 613 (2012). Michigan courts have held that harm from the denial of a preliminary injunction is irreparable if it is not fully compensable by monetary damages. See, e.g., *Thermatool*, at 377 (1998).

As individuals who are prospective members in Plaintiffs' class action, there can be no

doubt that these union members will suffer “irreparable harm” should this Honorable Court fail to grant Plaintiffs’ request for injunctive relief. There is a recognized proposition that a “temporary loss of a constitutional right constitutes irreparable harm which cannot be adequately remedied by an action at law.” *Garner v. Mich. State. Univ.*, 185 Mich. App. 750, 764 (1990). Due to the major inconsistencies and arguably not being able to receive proper due process in the procedural aspects of Determinations/Redeterminations, protests/appeals and collection activities, members are being denied their guarantees provided within the Fourteenth Amendment. See, e.g., *Williams v. Hofley Mfg. Co.*, 430 Mich. 603, 610 (1988), reh. den., 431 Mich 1202 (1988), app. dis. 489 U.S. 1001 (1989).

Many union members were barely able to make their daily living expenses and suffered extreme economic hardship during the pandemic. The present uncertainty caused by the actions and threatened collection activities of the UIA creates an additional insecurity in the lives of union members and unquestionably constitutes irreparable harm that cannot be measured in monetary figures. Further, the fact that members’ benefits are being withheld (or threatened on being withheld) is horrific. Any argument that may be made by the UIA that these members are able to obtain back benefits sometime in the future is not persuasive as to why injunctive relief should be withheld. “The fact that plaintiffs may eventually receive full retroactive benefits does not require the conclusion that their injury is not irreparable. . . . '[S]uffering months of delay in receiving the income on which one has depended for the very necessities of life cannot be fully remedied by the 'belated restoration of back benefits.'” See, *Day v. Shalala*, 23 F.3d 1052, 1059 (6th Cir. 1994).

Attaching bank accounts, intercepting tax refunds, and interrupting receipt of unemployment insurance can result in evictions, loss of homes through foreclosure, loss of

transportation (making employment even harder to find), and taking children out of their current schools and away from their friends. Even the sending of threatening and frightening letters that demand immediate repayment of alleged overpayments can result in “voluntary” payments resulting in these same harms. Defendants’ challenged actions clearly lead to irreparable harm that future payments of benefits will not address at all.

Accordingly, the only realistic measure to assure these individual union members and their families are protected from the Agency’s improper policies and procedures is to GRANT the injunctive relief requested by Plaintiffs.

### **III. CONCLUSION**

The UIA, as a Michigan agency, should be constrained by its enabling statutes and the boundaries of the federal and State Constitutions. Rather than following the relevant guidance, the UIA instead chooses to continue to act outside the scope of its statutory authority in order to issue unilateral decrees associated with collections of alleged improper overpayments (due to no fault of the claimants) and effectively prohibit Michiganders from receiving valid waivers on said monies. For all of the foregoing reasons, the MRCC and the BAC urge this Honorable Court to GRANT the injunctive relief requested by Plaintiffs and stop the wrongful collection activities of the UIA before more irreparable harm occurs to not only the members of the MRCC and BAC unions, but the entire population of Michiganders who are wrongfully being persecuted by the Agency.

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Dated: April 5, 2022



**PROOF OF SERVICE**

I, Bryan M. Beckerman, hereby certify that on April 5, 2022, I caused the foregoing document to be electronically filed with the Clerk of the Court using the electronic filing system which will send notification of such filing to all attorneys of record (noted below):

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/s/Bryan M. Beckerman  
Bryan M. Beckman (P51925)  
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888 W. Big Beaver, Ste. 600  
Troy, MI 48084  
(248) 354-0380  
[bmb@novaralaw.com](mailto:bmb@novaralaw.com)

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# Exhibit 1



Mail Date:  
Letter ID:  
CLM:  
Name:

### Weeks of OverPayment

This is not a bill.

Claimant SSN:

Claimant:

This is not a bill and may not reflect your total amount due. This is a list of the week(s) that you were overpaid benefits. If penalties were assessed for the applicable week, the penalty is also shown.

These weeks may be the result of one or more decisions. If the same week(s) is involved in more than one or decision, it is only listed once below. As a result, a reversal or change in one decision will not reverse the overpayment if there is another decision that has an over payment for that same week.

Review all decisions carefully for the period of disqualification or ineligibility that resulted in this over payment. In the event that the principal, penalty, or week(s) ending change due to a reversal or modification of one or more decisions, a new letter will be sent to you.

Week Ending	Principal	Penalty	Total
[REDACTED]	\$160.00	\$0.00	\$160.00
[REDACTED]	\$760.00	\$0.00	\$760.00
[REDACTED]	\$760.00	\$0.00	\$760.00
[REDACTED]	\$760.00	\$0.00	\$760.00
[REDACTED]	\$760.00	\$0.00	\$760.00
[REDACTED]	\$760.00	\$0.00	\$760.00
[REDACTED]	\$760.00	\$0.00	\$760.00
[REDACTED]	\$760.00	\$0.00	\$760.00
[REDACTED]	\$760.00	\$0.00	\$760.00
[REDACTED]	\$760.00	\$0.00	\$760.00
[REDACTED]	\$760.00	\$0.00	\$760.00
[REDACTED]	\$760.00	\$0.00	\$760.00
[REDACTED]	\$760.00	\$0.00	\$760.00
[REDACTED]	\$760.00	\$0.00	\$760.00
[REDACTED]	\$760.00	\$0.00	\$760.00

UIA is an Equal Opportunity Employer/Program.

Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

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[REDACTED]	\$760.00	\$0.00	\$760.00
[REDACTED]	\$760.00	\$0.00	\$760.00
[REDACTED]	\$760.00	\$0.00	\$760.00
[REDACTED]	\$760.00	\$0.00	\$760.00
[REDACTED]	\$460.00	\$0.00	\$460.00
[REDACTED]	\$460.00	\$0.00	\$460.00
[REDACTED]	\$160.00	\$0.00	\$160.00
[REDACTED]	\$160.00	\$0.00	\$160.00
[REDACTED]	\$160.00	\$0.00	\$160.00
[REDACTED]	\$160.00	\$0.00	\$160.00
[REDACTED]	\$160.00	\$0.00	\$160.00
[REDACTED]	\$160.00	\$0.00	\$160.00
[REDACTED]	\$160.00	\$0.00	\$160.00
[REDACTED]	\$160.00	\$0.00	\$160.00
[REDACTED]	\$160.00	\$0.00	\$160.00
[REDACTED]	\$160.00	\$0.00	\$160.00
[REDACTED]	\$160.00	\$0.00	\$160.00
[REDACTED]	\$160.00	\$0.00	\$160.00
[REDACTED]	\$160.00	\$0.00	\$160.00
[REDACTED]	\$160.00	\$0.00	\$160.00
[REDACTED]	\$460.00	\$0.00	\$460.00
[REDACTED]	\$460.00	\$0.00	\$460.00
[REDACTED]	\$460.00	\$0.00	\$460.00
[REDACTED]	\$460.00	\$0.00	\$460.00
[REDACTED]	\$460.00	\$0.00	\$460.00
[REDACTED]	\$460.00	\$0.00	\$460.00
[REDACTED]	\$460.00	\$0.00	\$460.00
[REDACTED]	\$460.00	\$0.00	\$460.00
[REDACTED]	\$460.00	\$0.00	\$460.00
[REDACTED]	\$460.00	\$0.00	\$460.00
[REDACTED]	\$460.00	\$0.00	\$460.00
[REDACTED]	\$460.00	\$0.00	\$460.00
[REDACTED]	\$460.00	\$0.00	\$460.00

UJA is an Equal Opportunity Employer/Program.

Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

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[REDACTED]	\$460.00	\$0.00	\$460.00
[REDACTED]	\$460.00	\$0.00	\$460.00
[REDACTED]	\$460.00	\$0.00	\$460.00
[REDACTED]	\$460.00	\$0.00	\$460.00
[REDACTED]	\$460.00	\$0.00	\$460.00
[REDACTED]	\$460.00	\$0.00	\$460.00
[REDACTED]	\$460.00	\$0.00	\$460.00
[REDACTED]	\$460.00	\$0.00	\$460.00
	<u>\$26,680.00</u>	<u>\$0.00</u>	<u>\$26,680.00</u>

#### Interest

Interest will be charged on the principal amount at a rate of 1.0% per month. Interest is computed daily. In cases involving fraud, interest begins the date the decision becomes final. In all other cases interest begins one year from the date the decision becomes final.

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**Example:** If your Social Security Number is 555-55-5511, the last two digits are 11. Number 11 is under Monday.

#### Inform UIA of Your Work Search Activities

You are required to actively seek work and report at least one weekly work search activity during your bi-weekly certification for benefits. **Your benefits will not be paid until you report your work search activities to UIA.**

Report your work search activities during your bi-weekly certification online through your Michigan Web Account Manager (MiWAM) account which is the preferred and quickest method.

You may also report your work search when you certify with MARVIN by calling 1-866-638-3993. After completing the automated questions, **you must stay on the line to be connected with an UIA agent and provide your work search information for each week.**

#### Appeal Rights

If you disagree with this redetermination you have the right to appeal requesting a hearing before an administrative law judge. Your appeal must be received within 30 calendar days from the mail date of this redetermination. If your appeal is filed after the deadline, you must include the reason your appeal is late in your statement. You can also attach copies of any documents that support your appeal.

You can submit your appeal online at [www.michigan.gov/uia](http://www.michigan.gov/uia) through your Michigan Web Account Manager (MiWAM) and upload documents. If you wish to appeal in writing, complete Form UIA 1733, *Appeal of a Redetermination*. This form is located on the website under the Forms link. Include your name, case number and social security number or Michigan Identification Number (MIN) on documents submitted with your appeal. Fax the completed Form UIA 1733 and any supporting documents to 1-616-356-0739 or mail to Unemployment Insurance Agency, P.O. Box 124, Grand Rapids, MI 49501-0124. If you fax or mail your appeal, it must be signed.

**Your appeal must be received no later than October 11, 2021 or this redetermination becomes final.**

Under provisions of the Michigan Employment Security (MES) Act, benefits determined payable will be paid even though another appeal may be filed later. However, if the appeal later determines that you were not entitled to receive all or part of these benefits, you will be required to repay the benefits improperly received.

#### CONTACTING UIA

There are several ways to contact us with questions regarding your claim.

**ONLINE:** Visit [www.michigan.gov/uia](http://www.michigan.gov/uia) and log onto your MiWAM account.

**BY PHONE:** Call 1-866-500-0017, for telephone hours of operation, visit [www.michigan.gov/uia](http://www.michigan.gov/uia). TTY service is available at 1-866-366-0004.

**IN WRITING:** Fax correspondence to 1-517-636-0427 or mail to Unemployment Insurance Agency, P.O. Box 169, Grand Rapids, MI 49501-0169. Include the date, your name, Social Security Number, and signature on all correspondence. Retain a copy for yourself. Print and keep the confirmation that your Fax was received.

Your information, including but not limited to Social Security Number and Driver's License Number, may be verified through computer matching programs and shared as authorized by law.

If there is a question regarding the identify of the claim filer, UIA may conduct fact-finding by contacting the filer at the number provided on the claim. If there is no immediate response, the claimant will have 48 hours to return the call. If no response is received, a determination regarding identity will be made based on the information.

Michigan Works! has service centers across Michigan with free resources and helpful staff. You can search for jobs, attend workshops, or explore careers and training. To find a service center near you, call

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1-800-285-WORKS (9675) or go online to [michiganworks.org](http://michiganworks.org).

If your address changes, it is important to update it with the UIA.

Information you provide to the UIA may be subject to disclosure in accordance with federal and state law requirements.

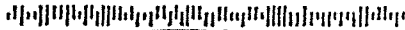
# Exhibit 2



GRETCHEN WHITMER  
GOVERNOR



Authorized By  
MCL 421.1 et seq.  
SUSAN R. CORBIN  
DIRECTOR



Mail Date:  
Letter ID:  
MIN:  
Name:

Minimum Monthly Payment:  
Amount Past Due:  
Current Amount Due:  
Payment Due Date:

## Monthly Statement - First Notice

\$100.00  
\$0.00  
\$100.00

Principal:  
Penalty:  
Interest:  
Balance:

\$0.00  
\$0.00

You owe \$1,702.98 based on one or more (re)determinations or appellate decisions that have become final.

To pay the balance in full and prevent any further collection activities, submit payments through your Michigan Web Account Manager (MIWAM) at [www.michigan.gov/uia](http://www.michigan.gov/uia). You may also detach the payment voucher below, write your Michigan Identification Number (MIN) on your payment, and send it to: Unemployment Insurance Agency - Restitution, Dept #771760, PO Box 77000 Detroit, MI 48277-1760. Make your check or money order payable to: Unemployment Insurance Agency. Do not send cash.

Paying the minimum monthly payment will only stop your wages from being garnished to repay the debt. It does not stop your income tax refund from being intercepted or any future benefit payments from being withheld. If you are working, you may contact the Unemployment Insurance Agency to request to have a voluntary wage assignment to make monthly payments.

If you did not receive any notice of the (re)determination that is the basis of this collection activity, you may file a late protest or appeal of the (re)determination(s). If your request is denied by the Unemployment Insurance Agency, you may further appeal the denial requesting a hearing before an administrative law judge (ALJ). If you are successful in reopening your case, you will be entitled to a hearing on the underlying issue.

Please cut and return bottom portion with your payment.

## Unemployment Insurance Payment Voucher

Letter ID:  
Statement Date:  
Claimant MIN:  
Media Number:  
Voucher Amount:

State of Michigan  
Unemployment Insurance Agency - Restitution  
Dept #771760  
PO Box 77000  
Detroit, MI 48277-1760

Amount Enclosed: \$

Document received by the MI Court of Claims.

# Exhibit 3

UIA 1088  
(Rev. 11-19)  
GRETCHEN WHITMER  
GOVERNOR



STATE OF MICHIGAN  
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY  
UNEMPLOYMENT INSURANCE AGENCY

Authorized By  
MCL 421.1 et seq.  
SUSAN R. CORBIN  
DIRECTOR



|||||

Mail Date: [REDACTED]  
Letter ID: [REDACTED]  
MIN: [REDACTED]  
Name: [REDACTED]

Monthly Statement - Delinquent

Principal: [REDACTED]  
Penalty: \$0.00  
Interest: \$0.00  
Total Balance: [REDACTED]

Your total balance is past due. Prior attempts have been made to contact you to collect the debt have been unsuccessful; therefore, the following collection activity may occur:

- The United States Department of Treasury intercepting up to the full amount of your federal income tax refund for overpayment of unemployment benefits due to fraud or unreported earnings
- Unemployment Insurance Agency (UIA) withholding future unemployment compensation benefits to pay the debt
- Michigan Department of Treasury intercepting the full amount of your state income tax refund to pay the debt
- Michigan Department of Treasury withholding State Lottery winning to pay the debt
- Administrative garnishment without obtaining court order
- UIA filing a civil action against you in court to recover the debt

To pay the balance in full and prevent any further collection activities, submit payments through your Michigan Web Account Manager (MiWAM) at [www.michigan.gov/uia](http://www.michigan.gov/uia). You may also detach the payment voucher below, write your Michigan Identification Number (MIN) on your payment, and send it to: Unemployment Insurance Agency - Restitution, Dept #771760, PO Box 77000 Detroit, MI 48277-1760. Make your check or money order payable to: Unemployment Insurance Agency. Do not send cash.

If you did not receive any notice of the (re)determination that is the basis of this collection activity, you may file a late protest or appeal of the (re)determination(s). If your request is denied by the Unemployment Insurance Agency, you may further appeal the denial requesting a hearing before an administrative law judge (ALJ). If you are successful in reopening your case, you will be entitled to a hearing on the underlying issue.

Please cut and return bottom portion with your payment.

Unemployment Insurance Payment Voucher

Letter ID: [REDACTED]  
Statement Date: [REDACTED]  
Claimant MIN: [REDACTED]  
Media Number: [REDACTED]  
Voucher Amount: [REDACTED]

State of Michigan  
Unemployment Insurance Agency - Restitution  
Dept #771760  
PO Box 77000  
Detroit, MI 48277-1760

Amount Enclosed: \$

Document received by the MI Court of Claims.