

Bond Case Briefs

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DUE PROCESS - MICHIGAN

Bauserman v. Unemployment Insurance Agency

Supreme Court of Michigan - April 5, 2019 - N.W.2d - 2019 WL 1513210

Unemployment benefit claimants brought action against Unemployment Insurance Agency, alleging violation of due process.

The court of Claims denied Agency's motion for summary disposition. Agency appealed, and the Court of Appeals reversed. Claimants applied for leave to appeal.

In lieu of granting leave to appeal, the Supreme Court held that:

- There is no meaningful distinction between the happening of the event giving rise to a cause of action seeking monetary relief against a government agency, triggering six-month period for notice to agency, and when such a claim accrues;
- A due process claim seeking monetary relief accrues from date plaintiff is deprived of property rather from date plaintiff is deprived of process;
- As to particular claimant, due process claim accrued on date Agency intercepted claimant's federal and state income tax refunds; and
- As to another claimant, due process claim accrued on date Agency garnished claimant's wages.