STATE OF MICHIGAN

COURT OF CLAIMS

HENRY COCHRAN,

Plaintiff,

v

Case No. 25-000111-MM

MICHIGAN UNEMPLOYMENT INSURANCE AGENCY,

Hon. Brock A. Swartzle

Defendant.
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OPINION AND ORDER GRANTING DEFENDANT'S MOTION FOR SUMMARY DISPOSITION

Plaintiff filed this lawsuit against defendant, the Michigan Unemployment Insurance Agency, alleging violation of his right of due process as a result of defendant's failure to pay the retroactive unemployment insurance benefits awarded to him. Defendant moved for summary disposition under MCR 2.116(C)(4), (7), and (8). The Court GRANTS defendant's motion and DISMISSES this case because plaintiff failed to file a notice of intent to file a claim or a claim within one year of the accrual of his claims as required by MCL 600.6431 of the Court of Claims Act, MCL 600.6401 *et seq*. Because the Court must dismiss on this ground, the Court will not address defendant's remaining grounds for summary disposition.

Plaintiff began his employment with the State of Michigan as a " 'State Certified Handicapper' with cerebral palsy" in November 1977. He applied for unemployment insurance benefits on October 7, 2004. His application was initially denied, but following an administrative appeal of a June 2, 2005 redetermination, the administrative law judge (ALJ) modified the

determination. On August 24, 2005, the ALJ determined that plaintiff was not ineligible for unemployment benefits from October 7, 2004, through the August 23, 2005 date of the appeal hearing. The ALJ's determination was provided to all parties. On October 3, 2005, defendant issued an unemployment benefit check to plaintiff in the amount of $1,246.72.[1] According to plaintiff, he received the benefit check but did not open the envelope because he was unsure whether receipt of unemployment benefits would interfere with his pending application for a nonduty disability retirement from the state. He mailed the unopened envelope back to defendant. Plaintiff attached to his complaint a "receipt for returned check" that indicated that the benefit check was returned by plaintiff and received by defendant on October 31, 2005.[2] Plaintiff allegedly did not receive any additional unemployment benefits for the period of October 7, 2004 through August 23, 2005.

Plaintiff claims that defendant violated his due-process rights by failing to "fully comply with the [ALJ's] issued court order of retroactive payments" and failing to "engage in any further communication [with him] about his legal rights regarding this matter" after he contacted a local unemployment agency office in 2023. Plaintiff's due-process claim seeks $25,000 for "persistent damages incurred" by defendant's failure to pay unemployment benefits for the period of October 7, 2004 through August 23, 2005.

[1] It is unclear from the record what benefit period the check covered.

[2] Plaintiff was denied nonduty disability retirement on August 16, 2005. He requested administrative review before the State Employees Retirement System Retirement Board. The Board approved plaintiff's application for nonduty disability retirement on December 8, 2005. The first pension payment would be "retroactive to your pension effective date." It is unclear from the record what plaintiff's pension date was.

Defendant argues that plaintiff failed to comply with the notice requirements of the MCL 600.6431. Under MCL 600.6431(1), "a claim may not be maintained against this state unless the claimant, within 1 year after the claim has accrued, files in the office of the clerk of the court of claims either a written claim or a written notice of intention to file a claim against this state or any of its departments, commissions, boards, institutions, arms, or agencies." For a claim against the state for property damage, the plaintiff must file the claim or notice within six months after the event that gives rise to the claim. MCL 600.6431(4).

Plaintiff's June 2025 complaint seeks monetary damages for the deprivation of unemployment benefits from October 7, 2004 through August 23, 2005. A due-process claim seeking monetary relief accrues from the date the plaintiff is deprived of property rather than from the date the plaintiff is deprived of process. See *Bauserman v Unemployment Agency*, 330 Mich App 545, 555-556; 950 NW2d 446 (2019). Plaintiff acknowledges in his response to defendant's motion that "The Actions of Claims really started years ago when Defendant decided to ignore the issued court order, and failed to comply years ago." Plaintiff, having filed his complaint more than 19 years after the alleged deprivation of his property, clearly failed to comply with the notice provision of MCL 600.6431(4). The Court is therefore required to dismiss the complaint. *Elia Cos, LLC v Univ of Michigan Regents*, 511 Mich 66, 75; 993 NW2d 392 (2023). The Court therefore GRANTS defendant's motion for summary disposition and DISMISSES the case.

IT IS SO ORDERED. This is a final order that resolves the last pending claim and closes the case.

Date: 10/30/2025

Hon. Brock A. Swartzle
Chief Judge, Court of Claims