

Appeals from Macomb County Veterans Services
Circuit Court Appeal Procedure

You have filed an appeal from a decision of the Macomb County Veterans Services Department pursuant to the Veteran's Relief Fund Act, MCL 35.23. As this is not a common appeal, this letter is to inform you of the procedures the Circuit Court expects you to follow.

An appeal pursuant to MCL 35.23 is to be by 'certiorari.' It is not to be pursued as an administrative appeal pursuant to the court rules governing an appeal to the Circuit Court from an administrative agency. Michigan has replaced the archaic writ of certiorari with a complaint for superintending control. See Michigan Court Rule 3.302(C). The procedure for superintending control is set forth in MCR 3.302(E). A summary of pertinent provisions follows:

1. A person seeking superintending control must file a complaint with the Court.
2. Only the plaintiff's name may appear in the title of the action.
3. If you have already filed a claim of appeal, the Court will treat the claim of appeal as your initial complaint. However, you should file an amended complaint for superintending control stating your reasons for seeking relief within the time allowed by MCR 2.118(A)(1). Place the case caption suffix code of 'AS' (superintending control) on the amended complaint.
4. The plaintiff must serve a copy on the tribunal over which superintending control is sought (Veterans Services). If there are other parties, they must be served with a copy as well.
5. Anyone served may file an answer within 21 days after the complaint is served.
6. After expiration of the time to answer, the Court may:
 - a. Issue an order to show cause why the order requested should not be issued;
 - b. Issue the order requested; or,
 - c. Dismiss the complaint.
7. The Court may require in an order to show cause that additional records and papers be filed.

Failure to comply with the procedures may result in a sanction up to and including dismissal of your appeal. Please see the Michigan Court Rules, the applicable statutes or an attorney for further information.