

## **REQUEST FOR REVIEW OF DECISION (APPEAL)**

### **APPENDIX 4**

Submitted under the Procedures of the  
Sixth Circuit Employment Dispute Resolution Plan

1. A Complainant and/or Respondent aggrieved by the decision of a Chief Judge or Presiding Judicial Officer, on an EDR Formal Complaint filed in any Court of the Sixth Circuit, may request review of the Presiding Judicial Officer's decision.
2. The Request for Review of the Presiding Judicial Officer's decision must be filed in writing with the Circuit Executive within 30 days of receipt of the challenged ruling. The Appendix 4 form should, but is not required to, be used in filing a Request for Review. In any event, the Request for Review should include the information requested by the Appendix 4 form.
3. Upon receipt of notice of the filing of a Request for Review, the EDR Coordinator for the involved employing office or Court shall promptly transmit to the Circuit Executive the complete record of the Complaint.
4. After the record is received by the Circuit Executive, the Chief Judge of the Circuit shall appoint a panel composed of three members of the Judicial Council to review the Complaint and its disposition. The panel shall be empowered to act for and on behalf of the Judicial Council.
5. The panel shall consider the record of the Complaint and such other information or evidence as it deems appropriate, and shall rule thereon within 30 days, if possible. Panel action shall be by majority vote and the panel shall be guided by the substantial evidence standard of review. Decisions by the panel shall be in writing.
6. Either party may request final review of the panel's decision by the Judicial Council. Such request must be filed in writing with the Circuit Executive within 14 days of receipt of the challenged ruling. The Judicial Council may, in its discretion, accept or deny the request for final review.
7. If the Judicial Council accepts the request for final review, it may enter an order (a) affirming the original decision or summary dismissal; (b) directing further investigation; or (c) directing corrective action including remedies set forth in Section IV.C.3.h of this Plan. Judicial Council action shall be by majority vote and shall be guided by the substantial evidence standard of review.
8. Any decision by the Judicial Council, including a decision to deny the request for final review, shall be in writing and shall be final and conclusive and not subject to further review by the Judicial Council, judicial appeals, or otherwise.

SAMPLE FORM

Name of Requesting Party \_\_\_\_\_

Address \_\_\_\_\_

Phone Number(s) \_\_\_\_\_

Email Address \_\_\_\_\_

Name of Court in Which Presiding Judicial Officer's Decision Was Issued

\_\_\_\_\_

\_\_\_\_\_, Requesting Party v.

\_\_\_\_\_, Responding Party

**Request for Review of Decision on Formal Complaint**

Notice is hereby given that \_\_\_\_\_, (Requesting Party) in the above-named case, hereby requests review by the Judicial Council for the Sixth Circuit from the decision by Presiding Judicial Officer \_\_\_\_\_ entered in this matter on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

- Attached to this request is a copy of the Presiding Judicial Officer's decision.

State the reason(s) you contend that the Presiding Judicial Officer's decision was in error (attach additional pages if necessary):

Submitted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signature of Requesting Party \_\_\_\_\_

Signature of Counsel, if any \_\_\_\_\_

Approved by the Sixth Circuit Judicial Council on \_\_\_\_\_.