

HOUSE BILL NO. 5189

October 30, 2025, Introduced by Reps. Hope, Weiss, Breen, Rheingans, Arbit, T. Carter, Pohutsky, Brixie, Xiong, Wilson, Conlin, Mentzer, MacDonell, Price, B. Carter, Dievendorf, McFall, Longjohn, Byrnes, Andrews, Tsernoglou, Young, Hoskins, Skaggs, Myers-Phillips and McKinney and referred to Committee on Economic Competitiveness.

A bill to amend 1969 PA 317, entitled
"Worker's disability compensation act of 1969,"
by amending section 841 (MCL 418.841), as amended by 1994 PA 271.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 841. (1) Any dispute or controversy concerning
2 compensation or other benefits ~~shall~~**must** be submitted to the
3 ~~bureau~~**agency** and all questions arising under this act ~~shall~~**must**
4 be determined by the ~~bureau~~**agency** or a worker's compensation
5 magistrate, as applicable. The director may be an interested party

1 in all worker's compensation cases in questions of law.

2 ~~(2) Any claim for which an application under section 847 is~~
 3 ~~filed after March 31, 1986 shall be referred to a small claims~~
 4 ~~division of the bureau if the claimant requests in writing that it~~
 5 ~~be referred and the claim is any of the following:~~

6 ~~(a) For \$2,000.00 or less, concerns a definite period of time,~~
 7 ~~and the employee has returned to work.~~

8 ~~(b) For \$2,000.00 or less and is for medical benefits only.~~

9 ~~(c) For \$2,000.00 or less, as determined by the bureau, with~~
 10 ~~regard to any dispute or controversy.~~

11 ~~(2) (3)~~ Upon a claim being referred to the small claims
 12 division **under section 224**, the ~~bureau~~**agency** shall notify the
 13 carrier and any other opposing parties of that referral. ~~A party~~
 14 ~~opposing the claim, within 30 days of the notification being sent,~~
 15 ~~may file with the bureau a request in writing that the claim be~~
 16 ~~removed from the small claims division and be set for hearing under~~
 17 ~~section 847. Upon receipt of the written request, the claim shall~~
 18 ~~be removed from the small claims division and shall be set for~~
 19 ~~hearing.~~

20 ~~(3) (4)~~ A worker's compensation magistrate shall hear a matter
 21 referred to the small claims division.

22 ~~(4) (5)~~ The parties to a matter heard in the small claims
 23 division may represent themselves or be represented by an
 24 ~~authorized agent but shall not be represented by an attorney. If a~~
 25 ~~party is represented by an attorney, the matter shall be removed~~
 26 ~~from the small claims division and shall be set for a hearing under~~
 27 ~~section 847. If all parties are represented by an attorney and~~
 28 **stipulate that the matter be removed from the small claims**
 29 **division, the matter must be set for a hearing under section 847.**

1 (5) ~~(6)~~ The rules of evidence as applied in a nonjury civil
2 case in circuit court ~~shall~~**must** be followed as far as practicable,
3 but a **worker's compensation** magistrate may ~~admit~~**consider** and give
4 probative effect to evidence of a type commonly relied ~~upon~~**on** by
5 reasonably prudent persons in the conduct of their affairs.

6 ~~Depositions shall~~**A deposition is** not be allowed to be used as
7 evidence **unless the deposition testimony is of a medical expert and**
8 **the deposition was taken in a prior litigation between the parties.**
9 Medical reports may be used as evidence.

10 (6) **Expert testimony is not required to prove any element of a**
11 **claim in the small claims division.**

12 (7) A record of a hearing ~~shall~~**must** not be made in the small
13 claims division.

14 (8) If it is determined by the **worker's compensation**
15 magistrate, or the parties before a decision is rendered, that the
16 claim exceeds ~~\$2,000.00, \$10,000.00~~, the matter ~~shall~~**must** be
17 removed from the small claims division and ~~shall be~~ set for a
18 hearing under section 847 unless the parties agree in writing that
19 the matter ~~shall~~**must** be heard in the small claims division.

20 (9) **After an evidentiary hearing in the small claims division,**
21 **the worker's compensation magistrate shall issue a decision and**
22 **order that awards all, some, or none of the relief sought by the**
23 **claimant. Notwithstanding the requirements of section 847, the**
24 **magistrate is not required to issue a written opinion that states**
25 **the magistrate's reasoning, findings of fact, or conclusions of**
26 **law.**

27 (10) ~~(9)~~ A worker's compensation magistrate's decision as to
28 any dispute or controversy in a matter heard in the small claims
29 division ~~shall be~~**is** final and nonappealable in the absence of

1 fraud as provided in section 28 of article VI of the state
2 constitution of 1963. **The doctrine of res judicata or collateral**
3 **estoppel does not apply to a worker's compensation magistrate's**
4 **decision and order under this subsection regarding any claims not**
5 **included in the decision and order.**

6 (11) ~~(10)~~—The parties to a matter decided under subsections
7 (2) to ~~(9)~~—(10) may request a hearing under section 847 with
8 respect to any other dispute or controversy for which there has not
9 been a worker's compensation magistrate's decision in the small
10 claims division.

11 Enacting section 1. This amendatory act does not take effect
12 unless House Bill No. 5081 (request no. H03605'25) of the 103rd
13 Legislature is enacted into law.