

STATE OF MICHIGAN  
COURT OF APPEALS

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MARY ELLEN PELIKAN,

Petitioner-Appellee,

v

PUBLIC SCHOOL EMPLOYEES RETIREMENT  
SYSTEM,

Respondent-Appellant.

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UNPUBLISHED  
February 12, 2009

No. 280891  
Ingham Circuit Court  
LC No. 07-000172-AA

Before: Sawyer, P.J., and Servitto and M. J. Kelly, JJ.

PER CURIAM.

Respondent appeals by leave granted an order reversing a decision by the State Employees' Retirement Board (Board) denying non-duty disability retirement benefits to petitioner. We reverse and remand for reinstatement of the Board's decision.

Respondent first contends that the circuit court erred when it considered petitioner's appeal despite her failure to file exceptions to the Proposal for Decision (PFD). We agree.

Under Michigan law, a party can obtain judicial review of an administrative agency decision in one of three ways. *Preserve the Dunes, Inc v Dep't of Environmental Quality*, 471 Mich 508, 519; 684 NW2d 847 (2004). First, the party can seek review prescribed by a method described in a statute applicable to the particular agency. *Id.* Second, the party can seek review pursuant to the Revised Judicature Act, MCL 600.631, and MCR 7.104(A), 7.101, and 7.103. *Id.* Lastly, the party can seek review following the procedures provided in the Administrative Procedures Act (APA), MCL 24.201 *et seq.* *Id.* A party seeking judicial review pursuant to the provisions of the APA must file exceptions to the PFD to preserve an issue for appeal. MCL 24.281(1); *Attorney General v Public Service Comm*, 136 Mich App 52, 56; 355 NW2d 640 (1984). Failure to file exceptions to the PFD constitutes a waiver of any objections. *Id.*

In the present case, it is undisputed that petitioner failed to file exceptions to the PFD. For that reason, petitioner waived any objections to the PFD. Therefore, it was improper for the circuit court to consider the merits of petitioner's appeal based on her objections to the PFD and the Board's subsequent adoption thereof. Because this issue is dispositive, we decline to address the remaining issues presented.

Reversed and remanded for entry of an order reinstating the Board's denial of non-duty disability retirement benefits to petitioner. We do not retain jurisdiction.

/s/ David H. Sawyer

/s/ Deborah A. Servitto

/s/ Michael J. Kelly