

112696

A.D. No. B89-07785-112696
S.S. No. [REDACTED]
B.O. No. 75

STATE OF MICHIGAN
IN THE COURT OF APPEALS

MARY ANNE MUNLEY,
Plaintiff-Appellee,

No. 150603
L.C. No. 91-001544-AE

v

UNPUBLISHED

CHILD CARE PLUS, INC.,
Defendant-Appellant,

and

MICHIGAN EMPLOYMENT SECURITY
COMMISSION,
Defendant-Appellant.

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M.E.S. BOARD OF REVIEW

APR 07 1994

FILED: _____
R. DOUGLAS DALIGGA
DIRECTOR

OPINION

STATE OF MICHIGAN
COURT OF APPEALS

MARY ANNE MUNLEY,

Plaintiff-Appellee,

v

CHILD CARE PLUS, INC.,

Defendant-Appellant,

and

MICHIGAN EMPLOYMENT SECURITY
COMMISSION,

Defendant-Appellee.

March 30, 1994

No. 150603

LC No. 91-001544-AE

Before: Sawyer, P.J., and Neff and M.J. Talbot,* JJ.

PER CURIAM.

Defendant Child Care Plus, Inc. appeals as of right from the circuit court's determination that claimant was eligible for unemployment benefits. We reverse.

Claimant resigned her employment because Child Care Plus announced its intention to reduce her hours and wages by forty-five percent on February 9, 1989. She gave two weeks' notice of leaving, and her last date of employment was set for February 24, 1989. However, six days later, Child Care Plus, in an attempt to keep claimant as an employee, informed her that it would not reduce her hours or pay, and that she would be continued to be employed until June 9, 1989. Claimant thereafter left Child Care Plus and filed for unemployment benefits. The MESB Board of Review found that claimant was disqualified for such benefits pursuant to MCL 421.29(1)(a); MSA 17.531(1)(a) for leaving work voluntarily without good cause attributable to her employer.

Child Care Plus' actions would not cause an otherwise qualified worker to give up her employment until June 9, 1989. Hence, the MESB Board of Review did not err in finding that claimant left her employment voluntarily without good cause attributable to Child Care Plus. McArthur v Borman's, Inc., 200 Mich App 686; 505 NW2d 32 (1993). The circuit court erred in holding otherwise.

Reversed.

/s/ David H. Sawyer
/s/ Michael J. Talbot

*Circuit judge, sitting on the Court of Appeals by assignment.

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No. 150603
LC No. 91-001544-A.E

Before: Sawyer, P.J., and Neff and M. J. Talbot,* JJ.

NEFF, J. (dissenting).

I respectfully dissent and would affirm the holding of the circuit court that the claimant was not disqualified for benefits pursuant to MCL 421.29(1)(a); MSA 17.531(1)(a) for the reasons set forth in the trial court's opinion of March 5, 1992, and the earlier opinion of the referee.

/s/ Janet T. Neff

*Circuit judge, sitting on the Court of Appeals by assignment.