

STATE OF MICHIGAN  
COURT OF APPEALS

LOUISE J. FLIER,

Plaintiff-Appellant,

v

WHITE CONSOLIDATED INDUSTRIES, INC.  
and MICHIGAN EMPLOYMENT SECURITY  
COMMISSION,

Defendants-Appellees.

OCT 19 1984

Docket # 74623

UNPUBLISHED OPINION

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of the State of Michigan  
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Michigan Employment Security Commission

BEFORE: R.M. Maher, P.J., and Wahls and J.A. Hathaway, JJ. \*

PER CURIAM

Plaintiff appeals as of right from an order entered by the circuit court, affirming a decision by the Michigan Employment Security Commission Board of Review. This decision held plaintiff ineligible for the receipt of unemployment

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

compensation benefits because plaintiff had failed to properly preserve credit weeks, pursuant to MCL 421.28(a); MSA 17.530(1).

Plaintiff was employed by defendant White Consolidated Industries in February, 1981, when she was injured at work. She was unable to work until June, 1981, at which time she was released to return to work by her physician. After working for three weeks, plaintiff was again forced to leave work due to illness. She was not permitted to return to work until June, 1982. Immediately after this return to work, plaintiff was laid off from her employment.

During plaintiff's absence from work due to the injury, she was receiving workers' compensation benefits. She made no application for unemployment benefits nor did she contact the MESOC until June, 1982. At the hearing before the MESOC, plaintiff testified that she did not apply for unemployment benefits until she was laid off, because she had been told by a representative of her employer that she could not receive both workers' compensation and unemployment benefits.

On appeal, plaintiff argues that the Board of Review's decision and that of the circuit court on appeal, is contrary to law and the remedial purposes of the Michigan Employment Security Act. These contentions are based on a subsequent amendment to the Act concerning the preservation of credit weeks and the fact that plaintiff was allegedly misled by her employer's representative. After having reviewed the record and the Board of Review's

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decision, however, we conclude that that decision properly applied the specific requirements of the statute, MCL 421.28 (a); MSA 17.530(1), as it read at the time of the decision. We therefore conclude that the Board of Review's decision was not contrary to law. In addition, this decision was supported by material, competent and substantial evidence.

Affirmed.

/s/ Richard M. Maher  
/s/ Myron H. Wahls  
/s/ James A. Hathaway