

QUESTION 7 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK III

Joan has had various allergies since childhood. With appropriate treatment through the years, she managed them well and they did not adversely affect her in any significant way. Joan graduated from high school and then obtained an Associate's Degree in medical record keeping from a community college.

After graduation, Joan did not look for work in the medical field, but rather decided to work with a friend she had met in college at a company named 3C's. This company develops and sells granite countertops. At 3C's, Joan worked a portion of the day in the small plant helping mix chemicals used to clean the granite. She spent the majority of her time in the office. There, she took orders, communicated with customers, and prepared invoices.

Shortly after beginning work for 3C's, Joan began to notice rash-like irritations on her hands. She visited a doctor who did patch testing and determined Joan was highly allergic to one of the chemicals used at 3C's to clean granite. The doctor advised Joan that she had most likely always been allergic to this chemical, along with her other allergic sensitivities. But, since she had not encountered the substance until she worked at 3C's, the allergic reaction had never manifested itself. The doctor advised Joan not to return to work at 3C's because this type of chemical permeates the atmosphere and would be present even in the office area.

Joan seeks your legal advice as to whether she has any workers' compensation remedies against 3C's. Will she be successful in seeking payment from 3C's of medical expenses related to her chemical exposure? Will she be successful in seeking disability (weekly wage loss benefits) from 3C's based upon her inability to return to work for it? Explain your answer utilizing Michigan law.

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