

**QUESTION 13 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK  
V OR IN SOFTEST ANSWER SCREEN 13**

Bob works as an employee of ABC Real Estate (ABC), an online mortgage lender. He is a middle manager with the firm earning a salary that pays \$1,000.00 per week.

With the recovery in the real estate market in 2014, ABC's business increased, as did Bob's responsibilities and number of hours worked. After several months of stressful work, Bob began having anxiety attacks and visited his doctor. The doctor told Bob he should not return to his middle management position given the anxiety it causes him. But, the doctor said Bob remains capable of working at less stressful positions at ABC or elsewhere. ABC has available less stressful positions suitable to Bob's qualifications and training, but they only pay \$500.00 per week, one-half of what Bob had earned as a middle manager.

Bob did not return to work at ABC and has not sought work elsewhere. ABC did not offer Bob any of its less stressful, lesser paying positions. ABC did voluntarily begin paying Bob weekly workers' compensation benefits at a partial rate based on Bob's ability to still earn \$500 per week. After a couple months of such payments, ABC terminated payment of future weekly benefits suspecting that Bob was malingering.

Bob objected to ABC's actions on three bases.

**Answer the following three questions posed by Bob with reference only to Michigan workers' compensation law:**

**1. Can ABC terminate payment of weekly workers' compensation benefits without first receiving permission from the appropriate state agency? Explain your answer.**

**2. Was ABC's payment of only a partial rate appropriate given Bob was not earning any wages? Explain your answer.**

**3. Was ABC obligated to offer Bob one of its less stressful, lesser paying jobs? Explain your answer.**

**\*\*\*\*\*THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK V\*\*\*\*\*  
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