

QUESTION 13 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK V

Melissa is a longtime employee of YMO, an online office supply company that services its customers by mail order. Melissa's job consists of distributing work assignments to YMO's 50 employees, supervising the employees, and on occasion--as her time may permit--typing on a keyboard to help input customer information.

In the last year, YMO's business began to decline. This led YMO to begin reducing its workforce. As the workforce was reduced, Melissa was asked to assume more and more of the typing work herself. The typing caused Melissa to experience pain in her wrist and numbness in her fingers. Melissa advised YMO's management of her problem, but YMO did not have any non-typing alternative jobs for her.

Melissa, who is 59-years old, grew tired of struggling with the increased typing and concluded she could not continue working at YMO due to her wrist and finger problems. So, she terminated her employment from YMO on June 30, 2012. About the same time, Melissa visited her doctor for her wrist and finger problems. The doctor advised Melissa that she had carpal tunnel syndrome, an entrapment of the nerve in her wrist which causes numbness in the fingers. The doctor attributed the carpal tunnel syndrome to the repetitiveness of typing at a keyboard. The doctor said Melissa could still work in supervisory positions, but could no longer work at any position that required typing. Non-typing supervisory positions are unquestionably available in Melissa's locale, but they all pay less than what Melissa had earned at YMO. Melissa does not dismiss the possibility of working elsewhere rather than trying to live on her savings, but she is definitely uninterested in working at any lesser paying supervisory jobs. She also intends to apply for and receive her federal old age social security benefits at the appropriate time, in about three years.

Melissa advised YMO of her doctor's conclusions. YMO agreed that Melissa's problems were work related and, therefore, began to pay all past and future medical expenses related to Melissa's treatment of her hands under its workers' compensation policy.

After speaking with a friend, Melissa now thinks she might also be entitled to weekly wage loss workers' compensation benefits from YMO under its workers' compensation policy, in addition to the medical benefits she has begun receiving from them.

Answer with reference to Michigan workers' compensation law: (1) Can

Melissa receive weekly wage loss workers' compensation

benefits from YMO **once she** begins receiving her old age social security benefits? Will her receipt of the social security benefits have any effect on the amount of weekly wage loss workers' compensation benefits she might receive? Explain your answer.

(2) Does Melissa's ability to **continue working** at available lesser paying supervisory jobs have any effect on her potential claim for weekly workers' compensation wage loss benefits? If not, why not? If so, what is the effect? Explain your **answer**:

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