

QUESTION 8 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK III

Jack works for an automobile supply company where business has recently declined. Jack had suffered a serious work-related back injury last year. Believing Jack would not be able to procure work elsewhere because of the severe restrictions resulting from that back injury, Jack's employer created a job tailored to meet Jack's restrictions. The job was not a meaningful one, but the employer felt obliged to help Jack.

Within a year of Jack's injury, it became evident that the automobile supply company was destined to close due to adverse economic conditions. Jack and the other employees were so advised. Jack told his employer he wanted workers' compensation benefits once the plant closed, given the work injury he sustained 11 months earlier. The employer told Jack it would continue to pay for any medical care associated with his injury, but it would not pay him weekly wage-loss benefits. The employer's reason was Jack will be out of work due to adverse economic conditions, not due to his work injury. The employer assured Jack that he would receive unemployment compensation benefits upon the plant closing.

Does Jack have a basis to make a successful claim for weekly workers' compensation benefits under Michigan law? Why or why not? Does Jack's anticipated receipt of unemployment compensation benefits have any impact on a claim for weekly workers' compensation benefits under Michigan law? Why or why not?

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