

STATE OF MICHIGAN
COURT OF APPEALS

JOANN VALENTI,

UNPUBLISHED

Plaintiff-Appellant,

v

No. 151613

LC No. 90 387972-CL

GKN AUTOMOTIVE, INC.,

Defendant-Appellee.

Before: Marilyn Kelly, P.J., and Wahls and M.R. Knoblock,* JJ.

M.R. KNOBLOCK. (Dissenting)

Because I am of the opinion, after viewing the facts of this case in a light most favorable to plaintiff, that a reasonable trier of fact could not conclude that defendant sought to obtain private information about plaintiff through a means objectionable to a reasonable person, I dissent from the holding of the majority. Defendant had reasonable concerns about plaintiff's ability to cope with stress and sent her to a psychiatrist for an evaluation before she returned to work from medical leave in accordance with its benefits policy. A psychiatric examination is a reasonable method to determine if a person is suffering psychological difficulties that would render them unable to face the stresses of their employment. Additionally, plaintiff waived her right to keep this information private by voluntarily divulging it to her supervisor and signing a broad release allowing doctors to furnish the results of such examinations to defendant. For these reasons, I would conclude that the trial court appropriately granted defendant's summary disposition motion with respect to this claim.

/s/ M. Richard Knoblock

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