

STATE OF MICHIGAN
COURT OF APPEALS

KATHRYN HOTCHKISS,

Plaintiff-Appellant,

v

SCHOOLCRAFT COMMUNITY SCHOOL
DISTRICT and WILLIAM S. HAUG,

Defendants-Appellees.

UNPUBLISHED

August 1, 1997

No. 189826

Kalamazoo Circuit Court

LC No. 94-001656-NZ

Before: Wahls, P.J., and Young and Fisher*, JJ.

PER CURIAM.

Plaintiff sued defendants for wrongful discharge from employment in violation of Michigan's Whistleblowers' Protection Act (WPA), MCL 15.361 *et seq*; MSA 17.428(1) *et seq*. The circuit court found that collateral estoppel barred plaintiff's WPA action and that the WPA did not provide a remedy for an employee who reported violations of the Elliott-Larsen Civil Rights Act, MCL 37.2101 *et seq*; MSA 3.548(101) *et seq*. We now reverse the circuit court's order granting summary disposition in favor of defendants.

I.

Plaintiff argues that the circuit court erred by finding her WPA claim collaterally estopped based upon prior determinations by the Michigan Department of Civil Rights that there were insufficient grounds to issue a charge. We agree. The department's dismissal of plaintiff's complaint for insufficient evidence was not adjudicatory in nature and so did not bar subsequent proceedings in circuit court. *Nummer v Dept of Treasury*, 448 Mich 534, 542-543; 533 NW2d 250 (1995); *Strachan v Mutual Aid & Neighborhood Club, Inc*, 407 Mich 928; 285 NW2d 297 (1979).

II.

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

Plaintiff argues that the circuit judge erred by finding that the WPA was not intended to protect employees who report incidents of gender discrimination. We agree. The circuit judge found that the WPA was intended to protect employees who report violations of criminal statutes or regulations, rather than those who report discrimination in violation of the Elliott-Larsen Civil Rights Act. We find no support for this interpretation. This Court has previously found that the WPA's protection "applies broadly to 'reporting to any public body a violation of any law or regulation of this state.'" *Faulkner v Flowers*, 206 Mich App 562, 568; 522 NW2d 700 (1994), quoting *Tyrna v Adamo, Inc*, 159 Mich App 592, 599; 407 NW2d 47 (1987). Thus, the WPA "would protect an employee who reported, for example, violations of laws against discrimination." *Ackinson v Detroit Edison Co*, 751 F Supp 1245, 1248 (ED Mich 1990).

Reversed and remanded for further proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Myron H. Wahls

/s/ Robert P. Young, Jr.

/s/ James H. Fisher