

STATE OF MICHIGAN
COURT OF APPEALS

JACQUELYN CONSIDINE,

UNPUBLISHED

Plaintiff-Appellant,

v

No. 184801

ALWAYS CHRISTMAS and BOYD STANDART
ALDRIDGE,

Oakland Circuit Court
LC No. 93-467695

Defendant-Appellees.

Before: Hoekstra, P.J., and Marilyn Kelly and J.B. Sullivan*, JJ.

HOEKSTRA, P.J., (concurring in part, dissenting in part).

I concur with Part I and Part II of the lead opinion, but respectfully dissent from Part III.

Viewing the evidence in a light most favorable to plaintiff, I find no evidence that plaintiff was replaced by a younger person. Here, plaintiff's job was essentially eliminated, with some aspects of her duties being assumed by existing personnel. In that context, plaintiff is unable to prove that she was replaced.

/s/ Joel P. Hoekstra

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