

STATE OF MICHIGAN
COURT OF APPEALS

JOHN J. MATTERN,

Plaintiff-Appellant,

v

GENERAL MOTORS CORPORATION,

Defendant-Appellee.

UNPUBLISHED

March 24, 1998

No. 199131

Wayne Circuit Court

LC No. 95-521223-CL

Before: Hoekstra, P.J., and Wahls and Gribbs, JJ.

MEMORANDUM.

Plaintiff appeals the trial court order of summary disposition for defendant General Motors Corporation in this age discrimination action. We affirm.

Plaintiff contends that the trial court erred in defining his date of discharge as his last day worked, July 17, 1992, rather than his retirement date, August 1, 1992. There is no merit to this issue. In this case, because of a plant-wide furlough, plaintiff received regular salaried employment checks between the July 17 shutdown and his retirement date. Plaintiff knew in advance that July 17 would be the last day he worked and he cleaned out his desk on that date. Plant shutdowns are a regular, expected event and plaintiff benefited from the additional paid vacation time. The last day plaintiff worked is the date of discharge. *Parker v Cadillac Gage, Inc*, 214 Mich App 288, 290; 542 NW2d 365 (1995). “Subsequent severance or vacation pay does not affect the date of discharge.” *Id.* The trial court used the appropriate discharge date.

Plaintiff also argues that his retirement date should have been considered as part of a “continuing violation.” We do not agree. The mere existence of continuing discrimination is “insufficient if none of the relevant conduct occurred within the limitation period.” *Sumner v Goodyear Co*, 427 Mich 505, 539; 398 NW2d 368 (1986). Here, the alleged discriminatory conduct ended no later and arguably much earlier than plaintiff’s discharge date.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Myron H. Wahls
/s/ Roman S. Gibbs