STATE OF MICHIGAN

COURT OF APPEALS

ROBERT GROAT,

Plaintiff-Appellant,

v

CITY OF LIVONIA,

Defendant-Appellee.

UNPUBLISHED
July 2, 1999

No. 202114
Wayne Circuit Court
LC No. 96-607902 CZ

Before: Bandstra, C.J., and Whitbeck and Talbot, JJ.

PER CURIAM.

Plaintiff suffered from a disability that required him to avoid contact with smoke, fires, and diesel fumes. When defendant terminated him from his employment as a firefighter, plaintiff brought this action alleging handicap discrimination and retaliatory discharge. The trial court granted defendant's motion for summary disposition brought pursuant to MCR 2.116(C)(10). Plaintiff appeals as of right and we affirm.

On appeal, plaintiff first argues that the trial court erred in granting defendant's motion for summary disposition on his handicap discrimination claim. We disagree. This Court reviews the grant of a motion for summary disposition de novo. *Spiek v Dep't of Transportation*, 456 Mich 331, 337; 572 NW2d 201 (1998). Summary disposition may be granted pursuant to MCR 2.116(C)(10) when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. *Quinto v Cross & Peters*, 451 Mich 358, 362; 547 NW2d 314 (1996).

The former Michigan Handicappers' Civil Rights Act (HCRA), MCL 37.1101 *et seq.*; MSA 3.550(101) *et seq.*,[1] defined the civil rights of handicapped individuals and prohibited discrimination in the exercise of those civil rights. One such civil right was the opportunity to secure employment without discrimination due to a handicap which can be accommodated without undue hardship. MCL 37.1102; MSA 3.550(102). To prove discrimination under the HCRA, a plaintiff was required to show (1) that he was "handicapped" as defined in the statute, (2) that the handicap was unrelated to the plaintiff's ability to perform his job duties, and (3) that he has been discriminated against in one of the ways set forth in the HCRA. *Chmielewski v Xermac, Inc*, 457 Mich 593, 602; 580 NW2d 817 (1998).

We agree with the trial court and conclude that it is beyond factual dispute that the fundamental duty of a firefighter is to fight fires. Because plaintiff's condition admittedly renders him incapable of fighting fires, he was not "handicapped" under the HCRA and his alleged "handicap" was not unrelated to his ability to perform his job duties. See MCL 37.1103(e)(i)(A); MSA 3.550(103)(e)(i)(A) (defining "handicap" for employment purposes); *Tranker v Figgie Int'l (On Remand)*, 231 Mich App 115, 125; 585 NW2d 337 (1998). As such, he is not entitled to relief under the HCRA. *Chmielewski, supra* at 602. Moreover, plaintiff's contention that defendant could have accommodated his "handicap" by requiring him to perform duties not involving contact with smoke, fires, and diesel fumes is misplaced. The HCRA was premised on the notion that a fully accommodated employee will be generally indistinguishable from a nonhandicapped employee. See *Rollert v Civil Service Dep't*, 228 Mich App 534, 540; 579 NW2d 118 (1998). Finally, we reject plaintiff's contention that defendant may be held liable because it did not accord him a reasonable time to heal. The HCRA did not require that an employer allow a disabled employee a "reasonable time to heal." See *Lamoria v Health Care & Retirement Corp*, 233 Mich App 560; 584 NW2d 589 (1999). For all of these reasons, we hold that the trial court did not err in granting defendant's motion for summary disposition with respect to plaintiff's HCRA claim.

Plaintiff next argues that the trial court erred in granting defendant's motion for summary disposition with respect to his retaliation claim. In so doing, he cites no supporting authority and gives the issue only cursory treatment in his appellate brief. Accordingly, we deem the issue to have been abandoned. See, e.g., *Goolsby v Detroit*, 419 Mich 651, 655 n 1; 358 NW2d 856 (1984).

Affirmed.

/s/ Richard A. Bandstra
/s/ William C. Whitbeck
/s/ Michael J. Talbot

[1] This act has been renamed the Persons With Disabilities Civil Rights Act, effective March 12, 1998. MCL 37.1101; MSA 3.550(101).