

STATE OF MICHIGAN
COURT OF APPEALS

JILES SEARCY,

Plaintiff-Appellant,

v

CHRYSLER CORPORATION,

Defendant-Appellee.

UNPUBLISHED

August 3, 1999

No. 209191

WCAC

LC No. 95008

Before: Gage, P.J., and Smolenski and Zahra, JJ.

MEMORANDUM.

Plaintiff Jiles Searcy appeals by leave granted from an order entered by the Worker's Compensation Appellate Commission (WCAC) denying his petition to reduce the amount by which defendant Chrysler Corporation is allowed to coordinate pension and other benefits against its worker's compensation liability. This Court initially declined to grant leave and plaintiff sought leave to appeal in the Supreme Court. While leave was pending, the WCAC issued an opinion in *McCalla v Marine City Nursery Inc*, 10 MIWCLR 1445, 1997 ACO #504, which called into question the WCAC's original decision in this case finding that *Hairston v Firestone Tire & Rubber*, 404 Mich 104; 273 NW2d 400 (1978), was no longer good law following the 1980 amendments to the Worker's Disability Compensation Act, MCL 418.101 *et seq*; MSA 17.237(101) *et seq*. The Supreme Court then denied leave, but remanded to this Court for consideration as on leave granted.

The WCAC's original decision allocating payment of disability benefits between Chrysler Corporation and the City of Detroit was not at issue in the WCAC decision that is presently before this Court. However, in light of the WCAC's subsequent decision holding that *Hairston, supra*, remains good law, and calling into question its original decision in this case, we remand to the WCAC for reconsideration of the issue of dual recovery and coordination of benefits.

Reversed and remanded to the WCAC for further consideration in light of its ruling in

McCalla, supra, regarding the continuing viability of *Hairston, supra*. We do not retain jurisdiction.

/s/ Hilda R. Gage

/s/ Michael R. Smolenski

/s/ Brian K. Zahra