

STATE OF MICHIGAN
COURT OF APPEALS

WILLIAM BIDWELL,

Plaintiff-Appellant,

v

ROBERT HALF INTERNATIONAL, INC.,

Defendant-Appellee.

UNPUBLISHED

April 10, 2001

No. 219302

Oakland Circuit Court

LC No. 98-009630-CZ

Before: Talbot, P.J., and Sawyer and F.L. Borchard*, JJ.

MEMORANDUM.

Plaintiff appeals as of right from a circuit court order confirming an arbitration award as modified. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff, a former employee of defendant, claimed that defendant failed to pay him commissions. The parties submitted the claim to arbitration. The arbitrator ruled that plaintiff was entitled to commissions but denied his claim for treble damages and attorney fees under the sales representatives' commission act (SRCA), MCL 600.2961; MSA 27A.2961. The trial court ruled that the arbitrator had exceeded the scope of her authority by considering the SRCA, struck that aspect of the award, and confirmed it as modified.

Plaintiff contends that the trial court erred in modifying the award as it did and should have found that the arbitrator made an error of law when she found the SRCA inapplicable to this action. Because plaintiff has failed to adequately brief the merits of his claim that the parties' arbitration agreement gave the arbitrator authority to decide an issue under the SRCA, the issue is deemed abandoned. *FMB-First Michigan Bank v Bailey*, 232 Mich App 711, 717-718; 591 NW2d 676 (1998). Even assuming the trial court erred, the error was harmless because defendant did not employ plaintiff to solicit orders for or sell goods and thus defendant was not a

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

principal and plaintiff was not a sales representative as those terms are defined by the act. MCL 600.2961(1)(d), (e); MSA 27A.2961(1)(d), (e).

Affirmed.

/s/ Michael J. Talbot

/s/ David H. Sawyer

/s/ Fred L. Borchard