

STATE OF MICHIGAN
COURT OF APPEALS

MALVERN L. CRAWFORD,

Plaintiff-Appellant,

v

WAYNE COUNTY COMMUNITY COLLEGE,

Defendant-Appellee.

UNPUBLISHED

July 10, 2001

No. 222342

Wayne Circuit Court

LC No. 99-918515-CZ

Before: Saad, P.J., and Holbrook, Jr., and Murphy, JJ.

MEMORANDUM.

Plaintiff appeals as of right the circuit court's order dismissing his complaint to modify or vacate an arbitration award. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff is a part-time instructor employed by defendant certified to teach geography classes. Plaintiff applied for certification to teach classes outside this discipline. Plaintiff's request was denied pursuant to the certification requirements and procedure of the teacher's collective bargaining agreement. Plaintiff grieved this denial through arbitration, and the arbitrator found that defendant had not breached the collective bargaining agreement. The circuit court dismissed plaintiff's complaint to vacate or modify the arbitration award.

Judicial review of an arbitration award is narrowly circumscribed. *Lenawee Co Sheriff v Police Officers Labor Council*, 239 Mich App 111, 118; 607 NW2d 742 (1999). A court will review an arbitrator's decision to determine whether the award was beyond the contractual authority of the arbitrator. *Id.*

Labor arbitration is a product of contract and an arbitrator's authority to resolve a dispute arising out of the appropriate interpretation of a collective bargaining agreement is derived exclusively from the contractual agreement of the parties. . . . A court may not review an arbitrator's factual findings or decision on the merits. Rather, a court may only decide whether the arbitrator's award "draws its essence" from the contract. [*Id.*, quoting *Lincoln Park v Lincoln Park Police Officers Ass'n*, 176 Mich App 1, 4; 438 NW2d 875 (1989) (citations omitted).]

An award may be vacated when it clearly appears on the face of the award that the arbitrator through an error of law was led to a wrong conclusion, and, but for such error, a substantially different award must have been made. *DAIIE v Gavin*, 416 Mich 407, 443; 331 NW2d 418 (1982).

Plaintiff only challenged the arbitrator's factual findings. He has not identified any error of law that would allow a court to vacate the arbitration award.

Affirmed.

/s/ Henry William Saad
/s/ Donald E. Holbrook, Jr.
/s/ William B. Murphy