

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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HENRIETTA BRINEY,

Plaintiff-Appellee,

v

KELSEY-HAYES and VARITY  
CORPORATION,

Defendants-Appellants.

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UNPUBLISHED

August 21, 2001

No. 218621

Wayne Circuit Court

LC No. 96-643009-CK

Before: O’Connell, P.J., and Fitzgerald and Wilder, JJ.

O’CONNELL, P.J., (*concurring*).

In the present case, the jury was presented with two equally sustainable positions. The first perspective was that the employees lost one week of “earned” or “accrued” vacation. The second is that the employees were not deprived of their “accrued” or “earned” vacation. Because I believe the evidence was capable of either determination, I am reluctant to interfere with the jury’s verdict.

Affirmed.

/s/ Peter D. O’Connell