

STATE OF MICHIGAN
COURT OF APPEALS

JOHN DOE,

Plaintiff-Appellant,

v

MICHIGAN DEPARTMENT OF
CORRECTIONS, STANLEY ADAMS, JEFF
HUFF, DENISE ALLEN, DAVE WITTER, and
JOHN BELSON,

Defendants-Appellees.

UNPUBLISHED
November 20, 2001

No. 222057
Genesee Circuit Court
LC No. 96-048515-CL

Before: Zahra, P.J., and Hood and Murphy, JJ.

MEMORANDUM.

Plaintiff appeals as of right from a judgment for defendants. We affirm.

Plaintiff argues that the trial court erred in concluding that an accommodation offer had been extended by defendant, Michigan Department of Corrections (MDOC), and that it was reasonable. We disagree. A trial court's grant or denial of a motion for summary disposition is reviewed de novo. *Spiek v Dep't of Transportation*, 456 Mich 331, 337; 572 NW2d 201 (1998). Under the Handicappers' Civil Rights Act (HCRA), now known as the Persons with Disabilities Civil Rights Act (PWDCRA), MCL 37.1101 *et seq.*, a person, as defined by statute, shall accommodate a person with a disability for purposes of employment unless the person demonstrates that the accommodation would impose an undue hardship. MCL 37.1102(2); MCL 37.1201(b). However, the plaintiff bears the burden of proving that the employer violated the accommodation mandate. *Rourk v Oakwood Hosp Corp*, 458 Mich 25, 28; 580 NW2d 397 (1998); MCL 37.1210(1). Job transfers are not among the accommodations owed by an employer. *Id.* at 29-34. Furthermore, the duty to accommodate does not extend to new job placement. *Hall v Hackley Hosp*, 210 Mich App 48, 57; 532 NW2d 893 (1995).

In the present case, plaintiff failed to meet his burden of proof. Plaintiff initially disputed that a formal accommodation had been extended and executed his waived rights leave of absence departure report. In response, plaintiff received notice that the placement, working the third shift at the Macomb facility, was a formal offer, and any additional information from plaintiff or his doctor could be submitted to the disability coordinator. There is no evidence that plaintiff took

any further action following this notice. Accordingly, the trial court properly granted defendant MDOC's motion for summary disposition. *Rourk, supra*.

Affirmed.

/s/ Brian K. Zahra

/s/ Harold Hood

/s/ William B. Murphy