

STATE OF MICHIGAN
COURT OF APPEALS

SHERRY SANFORD,

Plaintiff-Appellant,

v

RESIDENT ADVANCEMENT INC.,

Defendant-Appellee.

UNPUBLISHED

August 9, 2002

No. 231955

Genesee Circuit Court

LC No. 99-066475-NO

Before: Talbot, P.J., and Cooper and D. P. Ryan*, JJ.

MEMORANDUM.

Plaintiff appeals as of right from the circuit court's order dismissing her complaint against defendant. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff sued defendant for violation of the Whistleblower's Protection Act [WPA], MCL 15.361 *et seq.*, alleging that defendant fired her in retaliation for reporting abuse at her workplace and participating in the subsequent investigation. Defendant moved for summary disposition pursuant to MCR 2.116(C)(10), arguing that there was no evidence of a causal connection between plaintiff's protected activity and her discharge. The circuit court agreed with defendant and granted summary disposition.

The evidence before the circuit court did not indicate that plaintiff was fired for reporting her coworker's misconduct or for cooperating in the subsequent investigation. Rather, the evidence established that defendant fired plaintiff based on her own neglect for failing to report earlier incidents of abuse. While plaintiff's neglect was revealed in the investigation, the WPA does not grant plaintiff immunity from the consequences of her own neglect or misconduct. Plaintiff cannot raise the WPA as a "shield" against legitimate discharge for her own misconduct. *Shallal v Catholic Social Services*, 455 Mich 604, 622; 566 NW2d 571 (1997).

Affirmed.

/s/ Michael J. Talbot

/s/ Jessica R. Cooper

/s/ Daniel P. Ryan

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