

STATE OF MICHIGAN  
COURT OF APPEALS

---

ANTHONY HERNANDEZ, Personal  
Representative of the Estate of ANTHONY  
HERNANDEZ, Deceased,

UNPUBLISHED  
September 17, 2002

Plaintiff-Appellant,  
and

LEVINE, BENJAMIN, TUSHMAN, BRATT,  
JERRIS & STEIN, P.C.,

Petitioner-Appellee,

v

GENERAL MOTORS CORPORATION,

Defendant-Appellee.<sup>1</sup>

No. 237645  
WCAC  
LC No. 94-000821

ON REMAND

---

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

PER CURIAM.

This worker's compensation appeal comes to us on remand from the Supreme Court. This matter was previously before this Court as an application for leave, which we denied.<sup>2</sup> However, in lieu of granting leave to appeal, our Supreme Court has remanded the matter to this Court for consideration as on leave granted of Issue III raised in plaintiff's brief. 465 Mich 899. Thus, our review is limited to whether interest may be awarded on attorney fees. After consideration of the issue, we reverse the judgment of the Workers' Compensation Appellate Commission (WCAC), which had affirmed the magistrate's award of \$12,462.40 in interest.

---

<sup>1</sup> Although defendant General Motors is listed as an appellee, it is not a party to this appeal in that it has no direct interest in the issue presented and has not filed a brief.

<sup>2</sup> *Anthony Hernandez v General Motors Corporation*, unpublished order of the Court of Appeals, issued September 21, 2000 (Docket No. 225634).

Plaintiff argues that there is no authority for awarding interest on an attorney fee in a worker's compensation case. We agree. In fact, petitioner concedes that plaintiff is "technically correct," but argues that it is still entitled to attorney fees and costs on plaintiff's accrued worker's compensation benefits. Issues of statutory interpretation are questions of law that we review de novo. *Oakland Co Bd of Road Comm'rs v Michigan Property & Casualty Guaranty Ass'n*, 456 Mich 590, 610; 575 NW2d 751 (1998). "The primary goal of judicial interpretation of statutes is to ascertain and give effect to the intent of the Legislature." *Kokx v Bylenga*, 241 Mich App 655, 661; 617 NW2d 368 (2000). "This Court will not read into a statute anything that is not within the manifest intention of the Legislature as gathered from the act itself." *Id.*

In workers' compensation cases, attorney fees are authorized by MCL 418.858 and administrative rule 14. However, neither the statute nor the rule provide for interest. The WCAC relies on MCL 418.862 in support of its award of interest on attorney fees. Nevertheless, nowhere in the language of § 862 is there a provision providing for the application of interest to an award of attorney fees. The Workers' Compensation Disability Act simply does not afford petitioner a calculation of interest on its award of attorney fees, nor does petitioner cite any such authority. Accordingly, we will not write such a provision into the Act where none exists in the specific language of the statute itself. See *id.* Petitioner's award of interest is vacated, while its award of attorney fees and costs is undisturbed.

Reversed in part. We do not retain jurisdiction.

/s/ William B. Murphy  
/s/ Harold Hood  
/s/ Christopher M. Murray