

STATE OF MICHIGAN
COURT OF APPEALS

WILLIAM M. ENSING,

Plaintiff-Appellant,

v

JOANNE A. MILBOCKER,

Defendant-Appellee.

UNPUBLISHED

March 25, 2004

No. 245479

Otsego Circuit Court

LC No. 02-009542-NI

Before: Zahra, P.J., and Saad and Schuette, JJ.

MEMORANDUM.

Plaintiff appeals as of right the trial court's order granting defendant's motion for summary disposition and denying his motion for summary disposition. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

We review a trial court's decision on a motion for summary disposition de novo. *Auto Club Group Ins Co v Burchell*, 249 Mich App 468, 479; 642 NW2d 406 (2001).

A serious impairment of body function is "an objectively manifested impairment of an important body function that affects the person's general ability to lead his or her normal life." MCL 500.3135(7). See also *Kreiner v Fischer (On Remand)*, 256 Mich App 680, 686-687; 671 NW2d 95 (2003). For an impairment to be objectively manifested, there must be a medically identifiable injury or a condition that has a physical basis. *Jackson v Nelson*, 252 Mich App 643, 652-653; 654 NW2d 604 (2002). Whether a person has suffered a serious impairment of body function is a question of law for the court if there is no factual dispute concerning the nature and extent of the injuries, or if there is a factual dispute concerning the nature and extent of the injuries but the dispute is not material to whether the plaintiff has suffered a serious impairment of body function. MCL 500.3135(2)(a).

In determining whether the impairment of the important body function is serious, the court should consider factors such as the extent of the injury, the treatment required, the duration of the disability, and the extent of residual impairment and prognosis for eventual recovery. *Kern v Blethen-Coluni*, 240 Mich App 333, 341; 612 NW2d 838 (2000). In assessing the extent of the injury, a court may compare the plaintiff's lifestyle before and after the injury. *May v Sommerfield (After Remand)*, 240 Mich App 504, 506; 617 NW2d 920 (2000).

Plaintiff's fractured wrist was objectively manifested via an x-ray. The use of one's wrist and arm is an important body function. *Kroft v Kines*, 154 Mich App 448, 452; 397 NW2d 822 (1986), vacated on other grounds 428 Mich 879; 402 NW2d 481 (1987). Plaintiff was released to return to normal activities one month after the accident. He was discharged from his job, but secured other employment. The ability to work is a significant element of a normal life. *Kreiner, supra*, 688. Plaintiff's lingering pain did not create an issue of fact as to whether his injury resulted in a serious impairment. *Kallio v Fisher*, 180 Mich App 516, 518-519; 448 NW2d 46 (1989). Plaintiff had no physician-imposed restrictions on his activities, and remained able to play basketball and softball and to engage in weightlifting. The evidence did not create an issue of fact as to whether plaintiff's injury significantly altered his general ability to lead his normal life. *Miller v Purcell*, 246 Mich App 244, 250; 631 NW2d 760 (2001).

Affirmed.

/s/ Brian K. Zahra
/s/ Henry William Saad
/s/ Bill Schuette