

STATE OF MICHIGAN  
COURT OF APPEALS

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MARY E. HOY,

Plaintiff-Appellee,

v

SARAH MARIE ZEEDYK,

Defendant-Appellant.

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UNPUBLISHED

September 27, 2005

No. 254305

Clinton Circuit Court

LC No. 03-009592-NI

Before: Bandstra, P.J., and Neff and Donofrio, JJ.

PER CURIAM.

Defendant appeals as of right from a circuit court order denying her motion for summary disposition based on governmental immunity. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant, an employee with the Michigan Department of Transportation (MDOT) in Kalamazoo, was required to attend a series of training classes in Lansing. Defendant drove her own car to the training center. One night, defendant stayed at a relative's home in the Lansing area rather than drive home to Portage and then back to Lansing the next morning. While driving from her relative's home to the training center, defendant was involved in an accident with plaintiff.

The parties filed cross-motions for summary disposition on the issue of whether defendant was acting in the course of her employment at the time of the accident such that she could be held liable only if her actions constituted gross negligence. MCL 691.1407(2). The trial court ruled that because defendant was staying with a relative, she was not acting within the course of her employment at the time the accident occurred.

We review the trial court's ruling on a motion for summary disposition de novo. *Kefgen v Davidson*, 241 Mich App 611, 616; 617 NW2d 351 (2000). The applicability of governmental immunity is a question of law that is also reviewed de novo on appeal. *Pierce v Lansing*, 265 Mich App 174, 176; 694 NW2d 65 (2005).

To determine course of employment, one must consider whether an employment relationship exists between the individual and the governmental agency, "the circumstances of the work environment created by that relationship, including the temporal and spatial boundaries established," and whether the individual was acting in furtherance of his employer's purpose.

*Backus v Kauffman (On Rehearing)*, 238 Mich App 402, 407-408; 605 NW2d 690 (1999). Generally, in the worker's compensation context, an employee who is driving to or from work is not considered to be within the course of his employment. *Simkins v General Motors Corp (After Remand)*, 453 Mich 703, 712; 556 NW2d 839 (1996); MCL 418.301(3).

Travel usually comes within one's course of employment if it is one of the duties to be performed, either on a regular basis or on special occasions, in fulfilling one's obligations to one's employer. See, e.g., *Alex v Wildfong*, 460 Mich 10; 594 NW2d 469 (1999) (volunteer fireman driving to scene of a fire); *Backus, supra* (teacher driving from morning classes at one school to afternoon classes at another school); *Haberl v Rose*, 225 Mich App 254; 570 NW2d 664 (1997) (secretary delivering agendas to board members). See also *Pappas v Sport Services, Inc*, 68 Mich App 423; 243 NW2d 10 (1976) (identifying traveling salesmen, truck drivers, and journeymen workers moving from site to site as those who drive in the course of employment).

We affirm. In the instant case, defendant was employed by MDOT. Although she normally worked at a site in Kalamazoo, MDOT sent her to training classes in Lansing; thus, the classroom could be considered a temporary work site. However, driving to the class was not a duty to be performed as part of her regular job with MDOT. Rather, she was required to report to the class in lieu of the office on training days, and was essentially doing no more than driving to work in the morning. Therefore, the trial court did not err in ruling that defendant was not immune from liability. Although the place where defendant spent the night does not appear to be determinative of whether she was acting in the course of her employment when leaving that location, we will not reverse where the trial court reached the right result for the wrong reason. *Taylor v Laban*, 241 Mich App 449, 458; 616 NW2d 229 (2000).

Affirmed.

/s/ Richard A. Bandstra

/s/ Janet T. Neff

/s/ Pat M. Donofrio