

STATE OF MICHIGAN
COURT OF APPEALS

GARY ALDEN,

Plaintiff-Cross-Appellee,

v

GENERAL MOTORS CORPORATION,

Defendant-Cross-Appellant.

UNPUBLISHED

August 19, 2008

No. 275822

WCAC

LC No. 05-000339

Before: Cavanagh, P.J., and Jansen and Kelly, JJ.

MEMORANDUM.

Defendant cross-appeals by right the decision of the Worker's Compensation Appellate Commission (WCAC). We dismiss. This appeal has been decided without oral argument. MCR 7.214(E).

This Court granted plaintiff's application for leave to appeal, and defendant then cross-appealed by right. MCR 7.207(A). Plaintiff's appeal was dismissed for failure to file a docketing statement, but defendant's cross-appeal was not affected by this dismissal. MCR 7.207(D). It is true that the WCAC's decision suggested that, under certain circumstances, an employer might be required to pay attorney fees in an action for the recovery of contested, unpaid medical expenses. However, the WCAC did not order defendant to pay such attorney fees in this particular case. In other words, defendant was not aggrieved by the WCAC's decision, and its cross-appeal must therefore be dismissed. See *Groeneveld v Groeneveld*, 3 Mich App 284, 285; 142 NW2d 14 (1966).

This appeal is dismissed.

/s/ Mark J. Cavanagh

/s/ Kathleen Jansen

/s/ Kirsten Frank Kelly