

STATE OF MICHIGAN
COURT OF APPEALS

ESTATE OF BOBBY ROBINSON by EVELYN
MERRIWEATHER, personal representative,

UNPUBLISHED
January 21, 1997

Plaintiff-Appellee,

v

No. 183991
Mason Circuit Court
LC No. 94-010170-PZ

GREAT LAKES CASTINGS CORPORATION,

Defendant-Appellant.

Before: Sawyer, P.J., and Markman and H.A. Koselka,* JJ.

PER CURIAM.

Defendant appeals as of right from the circuit court's entry of judgment pursuant to an award of workers' compensation benefits in favor of plaintiff's decedent. We affirm.

Decedent Robinson was awarded workers' compensation benefits by the Workers' Compensation Appeal Board in 1990. Defendant filed an application with this Court for leave to appeal that award in Docket No. 135989. We denied leave and, in lieu of granting leave to appeal, the Supreme Court remanded to this Court for consideration as if on leave granted. Defendant's appeal was placed on this Court's docket in Docket No. 150312. Defendant filed notice of Robinson's January 30, 1992, death and subsequently filed a motion to dismiss its appeal, which we granted. After being appointed personal representative of Robinson's estate, plaintiff sought entry of judgment in the circuit court for the unpaid benefits which accrued to Robinson pursuant to the appeal board order. The circuit court entered judgment in the amount of \$150,165.21, from which defendant appeals.

First, defendant asserts that this Court's order dismissing its appeal in Docket No. 150312 vacated the appeal board's order awarding Robinson benefits. We disagree. We find it plain from the language of the order, that it did not disturb the appeal board's order. Where an appellant files an unopposed motion to dismiss, the dismissal will be ordered. MCR 7.218(A). This Court's order did no more than dismiss defendant's appeal at its own request. Therefore, we find defendant's assertion in this regard to be without merit.

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

Next, defendant argues that the circuit court's judgment must be reversed because that court did not have jurisdiction over plaintiff's request for judgment. We disagree. A personal representative stands in the place of the decedent with respect to the decedent's property and claims, including the right to collection. *Michigan Nat'l Bank v Morren*, 194 Mich App 407, 411, n 2; 487 NW2d 784 (1992); MCL 700.343(4); MSA 27.5343(4). Additionally, MCL 418.863; MSA 17.237(863) provides:

Any party may present a certified copy of an order of a worker's compensation magistrate, an arbitrator, the director, or the appellate commission in any compensation proceeding to the circuit court for the circuit in which the injury occurred The court, after 7 days' notice to the opposite party or parties, shall render judgment in accordance with the order unless proof of payment is made. The judgment shall have the same effect as though rendered in an action tried and determined in the court and shall be entered and docketed with like effect.

Therefore, the circuit court is the proper forum to reduce a workers' compensation award to a judgment. Contrary to defendant's assertions, plaintiff's request for judgment was not a new claim. Consequently, there is no issue with respect to the statute of limitations for workers' compensation claims pursuant to MCL 418.371; MSA 17.237(381). Hence, we conclude that the circuit court did have jurisdiction to enter judgment on Robinson's workers' compensation award.

Finally, defendant requests that its claim of appeal be treated as a late application for leave to appeal the appeal board's order. We decline to do so. Under MCL 418.861; MSA 17.237(861), a ruling by the appeal board may be challenged in this Court or the Supreme Court if application for leave to appeal is sought within thirty days after the appeal board's order. Thus, we conclude that defendant's application for leave to appeal is barred pursuant to statute.

We recognize that our decision in this matter seems harsh, but the result is dictated by the court rules and the case law of our state, which we must follow.

Affirmed.

/s/ David H. Sawyer
/s/ Stephen J. Markman
/s/ Harvey A. Koselka