

STATE OF MICHIGAN
COURT OF APPEALS

CAROL E. NIELSEN,

Plaintiff-Appellee,

v

MAZDA MOTOR MANUFACTURING, f/k/a
AUTOALLIANCE INTERNATIONAL, INC.,

Defendant-Appellant.

UNPUBLISHED
July 22, 1997

No. 189005
WCAC
LC No. 93-388

Before: Gribbs, P.J., Holbrook, Jr., and J.E. Martlew*, JJ.

MEMORANDUM.

Defendant appeals by leave granted from an opinion and order of the Worker's Compensation Appellate Commission, which affirmed a decision of a hearing magistrate granting plaintiff an open award of partial disability benefits. We affirm.

Contrary to defendant's argument, the WCAC applied the currently accepted definition of disability under § 301(4) of the Worker's Disability Compensation Act, MCL 418.101 *et seq.*; MSA 17.237(101) *et seq.* See *Michales v Morton Salt Co*, 450 Mich 479; 538 NW2d 11 (1995); *Rea v Regency Olds/Mazda/Volvo*, 204 Mich App 516; 517 NW2d 251 (1994), remanded 450 Mich 1201 (1995), held in abeyance for *Haske v Transport Leasing, Inc* and *Bailey v Leoni Twp* (MSC Nos. 2444 & 3299, abeyance order issued 10/1/96). Consequently, we find no merit to defendant's claim that the "reasonable employment" provisions of §§ 301(5)-(9) of the WDCA are inapplicable to this matter. The decision of the WCAC is affirmed.

Affirmed.

/s/ Roman S. Gribbs
/s/ Donald E. Holbrook, Jr.
/s/ Jeffrey L. Martlew

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