STATE OF MICHIGAN

COURT OF APPEALS

JEFFERY L. TAYLOR,

Plaintiff-Appellant,

v

LAPEER COMMUNITY SCHOOLS and CITIZENS INSURANCE COMPANY,

Defendants-Appellees.

UNPUBLISHED
November 14, 1997

No. 198112
WCAC
LC No. 92-000079

ON REMAND

Before: Bandstra, P.J., and Murphy and Young, JJ.

PER CURIAM.

Plaintiff sought leave to appeal a decision by the Workers' Compensation Appellate Commission (WCAC) affirming the decision of the magistrate and denying him benefits. After this Court denied plaintiff's application for leave to appeal, our Supreme Court remanded the case to this Court for consideration as on leave granted. 453 Mich 902 (1996). We affirm.

Plaintiff argues that the WCAC erred in affirming the magistrate's decision because it should have been factually determined, based on the evidence, that plaintiff's back problems and temporary paralysis resulted from strenuous activity undertaken on the job. We disagree. In reviewing a decision of the WCAC, the role of this Court "is only to evaluate whether the WCAC exceeded its authority." *Goff v Bil-Mar Foods (After Remand)*, 454 Mich 507, 538; 563 NW2d 214 (1997). The WCAC exceeds its authority if it does not affirm the magistrate's decision when that decision is "reasonably supported in the record by any competent, material, and substantial evidence." *Id.*; see, also, MCL 418.861a(3); MSA 17.237(861a)(3).

In the present case, the WCAC found that the magistrate's findings were supported by the requisite evidence. The evidence showed that plaintiff was disabled and could not return to work for defendant because he could not engage in physical labor. Dr. Gilreath and Dr. Boike agreed that plaintiff had an extremely rare condition, the cause of which was essentially unknown. Although the physicians stated that it was possible that the disabling rupture of the blood vessels resulted from the heavy physical activity in which plaintiff engaged at work, neither physician could state with any degree

of certainty that the heavy physical labor caused the rupture. While a medical opinion need not be stated with absolute certainty in order to sustain a burden of proof, *Kostamo v Marquette Iron Mining Co*, 405 Mich 105, 136-137; 274 NW2d 411 (1979), a medical opinion that states only that a link between an employee's work and his injury is "conceivable" or "possible" is insufficient to sustain the preponderance of the evidence test, *Mansfield v Enterprise Brass Works Corp*, 97 Mich App 736, 742; 295 NW2d 851 (1980). We conclude that because the magistrate's findings were reasonably made on the basis of competent, material, and substantial evidence, the findings are conclusive and the WCAC did not exceed its authority in affirming the magistrate's decision. *Goff, supra*.

Although plaintiff contends that the WCAC erred in applying *Farrington v Total Petroleum, Inc*, 442 Mich 201; 501 NW2d 76 (1993), to the present case, we nevertheless affirm the WCAC's decision because it did not exceed its authority in affirming the magistrate's decision. Plaintiff correctly points out that his claimed disability did not bring the significant manner test in MCL 418.301(2); MSA 17.237(301)(2) as cited in *Farrington* into play in this case. Apparently, the WCAC was attempting to illustrate that plaintiff had not sustained his burden of proof under any test. In any event, the WCAC's reference to *Farrington* was unnecessary to the WCAC's resolution of the case. The inclusion of the reference to *Farrington* by the WCAC does not mandate a finding that the WCAC erred and that its decision should be reversed.

We affirm.

/s/ Richard A. Bandstra
/s/ William B. Murphy
/s/ Robert P. Young