

STATE OF MICHIGAN
COURT OF APPEALS

RAFAEL PERALES,

Plaintiff-Appellant,

v

ALRO STEEL CORPORATION,

Defendant-Appellee.

UNPUBLISHED

September 14, 2004

No. 246600

Genesee Circuit Court

LC No. 01-072262-CL

Before: Donofrio, P.J., and White and Talbot, JJ.

MEMORANDUM.

Defendant was granted summary disposition pursuant to MCR 2.116(C)(10) of plaintiff's claim brought under the Persons with Disabilities Civil Rights Act, MCL 37.1101 et seq (formerly known as the Handicappers' Civil Rights Act). Plaintiff appeals as of right. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The collective bargaining agreement between plaintiff's union and defendant provided for termination of employment if an employee used up all points allotted for unscheduled absenteeism and tardiness. Plaintiff's employment with defendant was terminated when he exhausted all his allotted points. However, plaintiff maintains that he missed work because of his asthma and that defendant should have offered him an accommodation by not requiring that he work overtime and by granting him a family medical leave.

MCL 37.1210(18) requires notification in writing of the need for an accommodation. Plaintiff testified at his deposition that he did not make a written request for an accommodation. Accordingly, summary disposition was properly granted. We need not reach plaintiff's remaining arguments.

Affirmed.

/s/ Pat M. Donofrio

/s/ Helene N. White

/s/ Michael J. Talbot