

STATE OF MICHIGAN
COURT OF APPEALS

BENJAMIN B. BLAKE,

Plaintiff-Appellant,

v

LAURA M. SEEBER and ROBERT JAMES
SEEBER,

Defendant-Appellees.

UNPUBLISHED

May 24, 2005

No. 259906

Kent Circuit Court

LC No. 01-009824-NI

BENJAMIN B. BLAKE,

Plaintiff-Appellant,

v

LAURA M. SEEBER and ROBERT JAMES
SEEBER,

Defendants-Appellees,

and

TED L. DOORN, JR. and ARIANA B. LIST,

Defendants.

No. 260849

Kent Circuit Court

LC No. 01-009824-NI

Before: Murphy, P.J., and White and Smolenski, JJ.

PER CURIAM.

In this action to recover noneconomic damages under the no-fault act, plaintiff challenges the circuit court's determination that he failed to show that his injuries affected his general ability to lead his normal life, as is necessary to establish a serious impairment of body function. MCL 500.3135(1). We affirm. These appeals are being decided without oral argument pursuant to MCR 7.214(E).

A plaintiff may recover noneconomic damages under the no-fault act only where the plaintiff has suffered “death, serious impairment of body function, or permanent serious disfigurement.” MCL 500.3135(1). “[S]erious impairment of body function” means “an objectively manifested impairment of an important body function that affects the person’s general ability to lead his or her normal life.” MCL 500.3135(7).

In the present case, the circuit court, analyzing the case in light of *Kreiner v Fischer*, 471 Mich 109, 130-131; 683 NW2d 611 (2004), concluded that plaintiff’s general ability to lead his normal life had not been affected. His employment was only modestly affected “for a relative short period of time.” His education was uninterrupted, his chosen career in website development would not be adversely impacted, and, with respect to sporting activities, “there is no indication why such activities might not be resumed now or in the near future.”

On the record before us, we agree with the circuit court that the evidence did not create a question of fact whether plaintiff’s injuries affected his general ability to lead his normal life. His employment restrictions affected his employment as a cook in that he was off work for a short period of time, and then had restrictions, but he indicated that he was working as a cook until he was able to obtain employment as a website developer. There is no indication that his injuries negatively affected that line of employment. Plaintiff concedes in his appellate brief that he was released to work without restrictions in March 2003.

Additionally, plaintiff presented no evidence of any physician-imposed restrictions on his recreational activities. As determined by our Supreme Court in *Kreiner, supra*, p 133 n 17, self-imposed restrictions that are based solely on pain are insufficient to establish residual impairment. Plaintiff indicated that he had frequent headaches for approximately two years and his sleep is reduced because of the pain, but there is no indication that this has negatively affected his general ability to lead his normal life.

Affirmed.

/s/ William B. Murphy
/s/ Helene N. White
/s/ Michael R. Smolenski