

STATE OF MICHIGAN  
COURT OF APPEALS

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FAROOK F. MANSOUR,

Plaintiff-Appellee,

v

AZ AUTOMOTIVE CORPORATION, f/k/a  
AETNA INDUSTRIES, INC.,

Defendant-Appellant.

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UNPUBLISHED  
October 13, 2011

No. 292241  
WCAC  
LC No. 08-000222

Before: FORT HOOD, P.J., and HOEKSTRA and METER, JJ.

MEMORANDUM.

Defendant AZ Automotive Corporation appeals by leave granted from a decision of the Workers' Compensation Appellate Commission (WCAC) affirming a magistrate's decision denying defendant's petitions to determine rights, stop weekly benefits, or recoup benefits. We vacate and remand.

The WCAC's decision is authored by a single commissioner. The remaining two commissioners concurred in the result only. Defendant now challenges the WCAC's decision on the basis that it is not a reviewable "final decision" pursuant to MCL 418.274(8). This presents a question of law, which is reviewed de novo. *Brackett v Focus Hope, Inc*, 482 Mich 269, 275; 753 NW2d 207 (2008).

This appeal is controlled by this Court's decision in *Findley v DaimlerChrysler Corp*, 289 Mich App 483; 797 NW2d 175 (2010), lv pending 488 Mich 1034 (2011). The rule established in *Findley* is that "[i]n order for a decision of the WCAC to be final and reviewable by this Court, it must be a true majority decision." *Id.* at 494. "[A] true majority decision is one in which at least a majority of the commissioners agree regarding the material facts and the ultimate outcome." *Id.* at 495. In this case, the WCAC opinion that sets forth the material facts was authored by one commissioner and the other two commissioners concurred in the result only. Thus, the WCAC did not provide a true majority decision in which the commissioners agreed regarding the material facts.

Where the WCAC does not provide a true majority decision, the remedy is to vacate the WCAC's decision and remand the case to the WCAC for it to make adequate findings of fact and explain its legal reasoning. *Id.* at 496-497. Accordingly, we vacate the WCAC's decision and remand for further proceedings.

Vacated and remanded for further proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Karen M. Fort Hood

/s/ Joel P. Hoekstra

/s/ Patrick M. Meter