

STATE OF MICHIGAN
COURT OF APPEALS

SANDRA MARIE BRATTIN,

Plaintiff-Appellant,

v

FORD MOTOR COMPANY,

Defendant-Appellee,

and

PINKERTON'S, INC.,

Defendant.

UNPUBLISHED
October 23, 1998

No. 202535
Wayne Circuit Court
LC No. 95-538022 NO

Before: Hoekstra, P.J., and Cavanagh and O'Connell, JJ.

PER CURIAM.

Plaintiff appeals as of right from orders dismissing her cause of action pursuant to MCR 2.116(C)(4). We affirm.

Plaintiff was shot by her estranged husband while she was at work at defendant's¹ Sheldon Road plant. Plaintiff brought suit against defendant, alleging that defendant was negligent and grossly negligent in failing to provide a safe working environment. Defendant moved for summary disposition on the ground that plaintiff's exclusive remedy was relief under the provisions of the Worker's Disability Compensation Act, MCL 418.101 *et seq.*; MSA 17.237(101) *et seq.* The trial court agreed, and concluded that because plaintiff had failed to allege an intentional tort against defendant, the court lacked subject matter jurisdiction over plaintiff's cause of action. Plaintiff argues that the court erred in concluding that relief under the Act was plaintiff's exclusive remedy. We disagree.

This Court reviews a trial court's decision on a motion for summary disposition de novo. *Walker v Johnson & Johnson Vision Products, Inc.*, 217 Mich App 705, 708; 552 NW2d 679 (1996). "When reviewing a motion for summary disposition under MCR 2.116(C)(4), we must

determine whether the pleadings demonstrate that the defendant was entitled to judgment as a matter of law or whether the affidavits and other proofs show that there was no genuine issue of material fact.” *Id.*

Plaintiff’s first argument on appeal is that the trial court erred in finding that her claim was barred by the exclusive remedy provision of the Worker’s Disability Compensation Act. We disagree.

MCL 418.131(1); MSA 17.237(131)(1) provides, in pertinent part, as follows:

The right to the recovery of benefits as provided in this act shall be the employee’s exclusive remedy against the employer for a personal injury The only exception to this exclusive remedy is an intentional tort. An intentional tort shall exist only when an employee is injured as a result of a deliberate act of the employer and the employer specifically intended an injury. . . .

Plaintiff argues that she is not subject to the exclusive remedy provision in this instance because her injury was not work related but was instead the result of a personal conflict with her estranged husband. Indeed, when an employee is injured at work through the intentional acts of a third party, and the conflict giving rise to the injury was personal in nature and not work related, the injured employee is not entitled to statutory worker’s compensation benefits. See *Morris v Soloway*, 170 Mich App 312, 316-317; 428 NW2d 43 (1988); *Devault v General Motors Corp, Pontiac Motors Division*, 149 Mich App 765, 771-772; 386 NW2d 671 (1986). Plaintiff argues that a corollary to this rule is that when an employee’s injuries do not arise from the course of employment, the employee is not confined to the statutory worker’s compensation remedies and remains free to sue the employer under general tort principles. We do not accept this reasoning. Regardless of how plaintiff obtained her injuries, plaintiff was undeniably in an employment relationship with defendant and, according to the plain meaning of the statute as quoted above, remains restricted to the exclusive remedy of benefits under the statute absent an allegation of an intentional tort. MCL 418.131(1); MSA 17.237(131)(1). Plaintiff cites no authority that stands for the proposition that an employee may sue her employer for negligence over an injury occurring at work but otherwise unrelated to her employment. Plaintiff’s only recourse against defendant outside of the act was to allege an intentional tort, which she did not do.

Plaintiff’s second argument on appeal is that the trial court erred in finding that defendant was not estopped from asserting the defense of the exclusive remedy provision of the act where defendant had previously denied plaintiff’s worker’s compensation claim on the ground that her injury was not work related. We disagree.

Equitable estoppel arises when a party, through acts or omissions, intentionally or negligently leads another party reasonably to believe certain facts. *Moore v First Security Casualty Co*, 224 Mich App 370, 376; 568 NW2d 841 (1997). The party claiming equitable estoppel must have justifiably relied on the inducements in question, and must stand to suffer prejudice if the other party is permitted to assume a position contrary to that which prompted the reliance. *Id.* In this case, defendant’s position that plaintiff claim was governed by the exclusive remedy provision of the act was no way inconsistent with defendant’s position that plaintiff’s injury was not work related. Indeed, as

discussed above, both positions fairly state the law. The assertion that plaintiff may proceed against defendant only according to the provisions of the act carries with it no necessary implication that plaintiff may prevail under that approach. Defendant never changed its position, and in any event induced no detrimental reliance from plaintiff. For these reasons, the trial court correctly allowed defendant to assert as a defense the exclusive remedy provision of the Worker's Disability Compensation Act.

Affirmed.

/s/ Joel P. Hoekstra

/s/ Mark J. Cavanagh

/s/ Peter D. O'Connell

¹ Because Ford Motor Company is the only defendant who is party to this appeal, in this opinion the designation "defendant" will refer exclusively to Ford.