

STATE OF MICHIGAN
COURT OF APPEALS

BILL BUTLER,

Plaintiff-Appellant,

v

CHRYSLER CORPORATION and
COMPUWARE CORPORATION, d/b/a
PROFESSIONAL SERVICES,

Defendants-Appellees.

UNPUBLISHED
December 4, 2003

No. 241413
Oakland Circuit Court
LC No. 00-022028-CL

Before: Murray, P.J. and Gage and Kelly, JJ.

MEMORANDUM.

Plaintiff appeals as of right the order granting defendant's motion for summary disposition under MCR 2.116(C)(10). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff brought this defamation action based on defendants' failure to supply information about plaintiff's employment history to prospective employers. Plaintiff asserted that when prospective employers checked his employment history, defendants denied that plaintiff ever worked for them. Plaintiff claimed that this denial constituted defamation that deprived him of employment.

A motion under MCR 2.116(C)(10) tests the factual sufficiency of the complaint. In evaluating the motion, the trial court considers affidavits, pleadings, depositions, admissions and other evidence submitted by the parties in a light most favorable to the party opposing the motion. Where the proffered evidence fails to establish a genuine issue of material fact, the moving party is entitled to judgment as a matter of law. *Maiden v Rozwood*, 461 Mich 109, 120; 597 NW2d 817 (1999).

Plaintiff failed to provide evidence to support his claim. Plaintiff asserted that potential employers contacted defendants, and were told that there was no record of plaintiff's employment. Yet, the official of the only potential employer identified by plaintiff indicated that she did not make any contact with defendants. Challenging the official's credibility does not

create admissible evidence in support of plaintiff's claim. The trial court properly granted defendants' motion.

Affirmed.

/s/ Christopher M. Murray

/s/ Hilda R. Gage

/s/ Kirsten Frank Kelly