

STATE OF MICHIGAN
COURT OF APPEALS

TERRANCE TEMPLETON,

Petitioner-Appellee,

v

CIVIL SERVICE COMMISSION,

Respondent-Appellant.

UNPUBLISHED
December 13, 2012

No. 308497
Chippewa Circuit Court
LC No. 11-001444-AA

Before: TALBOT, P.J., and MARKEY and RIORDAN, JJ.

MEMORANDUM.

For the reasons set forth in *Wescott v Civil Service Comm*, __ Mich App __; __NW2d__ (Docket No. 302524, issued October 18, 2012), we reverse the circuit court’s ruling and reinstate the decision of the Civil Service Commission (CSC).

The circuit court in *Wescott*, just like the court in the instant appeal, found that the “CSC’s decision was arbitrary and capricious because, although not binding on the CSC, the CSC failed to take into consideration or give any weight to the [Social Security Administration] and [State Employee’s Retirement Board’s] conclusions that petitioner was indeed disabled.” *Wescott*, __ Mich App at __ (slip op at 3). However, as we explained in *Wescott*, reversal is required because “[r]equiring the CSC, in the process of making a determination on a request for [long-term disability] benefits, to consider, distinguish, weigh, discuss, or explain away disability decisions rendered by other state agencies and the [Social Security Administration] would improperly encroach on the CSC’s constitutional powers.” *Id.* (slip op at 4).

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

/s/ Michael J. Talbot
/s/ Jane E. Markey
/s/ Michael J. Riordan