

# Court of Appeals, State of Michigan

## ORDER

Lawrence Franklin v Department of Management and Budget

Docket No. 324110

LC No. 13-000591-CD

Amy Ronayne Krause  
Presiding Judge

Michael F. Gadola

Colleen A. O'Brien  
Judges

The Court orders that plaintiff's motion for reconsideration is DENIED as meritless. We have carefully examined the lower court record provided to us and find that none of plaintiff's pleadings had any exhibits attached thereto, and indeed, we further note that defendant's answer stated several times that exhibits referenced in plaintiff's complaint had not been attached. Nevertheless, we remind plaintiff that in the paragraph in our opinion wherein we observed that he had provided no evidence, we twice stated that we would extend to plaintiff the benefit of the doubt. Plaintiff therefore has no basis to complain of any mistake that we might have made contrary to his favor. Plaintiff's motion otherwise merely restates the same argument that we have already considered and that amounts to nothing more than a disagreement with defendant over the selection criteria upon which defendant ultimately based its hiring decisions. As stated in our opinion, defendant clearly does not share plaintiff's opinion as to what constitutes "better qualified," but defendant is not obligated to do so; and if defendant's opinion is unwise, that is entirely within defendant's discretion. Because plaintiff merely raises the same arguments and cannot show "a palpable error" by which we were misled, MCR 2.119(F)(3), plaintiff's motion is DENIED.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

MAR 10 2016

Date

  
Chief Clerk