

Court of Appeals, State of Michigan

ORDER

Jessie M Ancona v Vanguard Health Management Inc

Docket Nos. 338092, 338180

LC No. 16-014031-AE

Michael J. Talbot
Presiding Judge

Kirsten Frank Kelly

Thomas C. Cameron
Judges

Pursuant to MCR 7.205(E)(2), the Court orders that the April 10, 2017 circuit court order reversing the decision of the Michigan Compensation Appellate Commission (MCAC) is REVERSED and the judgment of the MCAC is reinstated. The administrative law judge (ALJ) found that claimant's admitted use of the passcode of a pharmacist to override the computer was done without the pharmacist's permission and in violation of the employer's policy. The ALJ further determined that this action amounted to misconduct under MCL 421.29(1)(b). In reversing that decision, the circuit court concluded that claimant had acted in good faith to serve patients efficiently. However, the circuit court improperly substituted its own judgment and did not afford deference to the decisions of the ALJ and MCAC, which were supported by substantial evidence and conformed with the law. *Hodge v US Security Assoc, Inc*, 497 Mich 189; 859 NW2d 683 (2015).

This order is to have immediate effect. MCR 7.215(F)(2).

This Court retains no further jurisdiction.



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

SEP 05 2017

Date

Chief Clerk