

STATE OF MICHIGAN
COURT OF APPEALS

TERRENCE A. SWEENEY,

Plaintiff–Appellant/
Cross-Appellee,

v

LAKE SUPERIOR STATE UNIVERSITY,

Defendant–Appellee/
Cross-Appellant.

UNPUBLISHED

April 16, 1996

No. 177374

LC No. 93-14916-CM

Before: Markey, P.J., and Holbrook, Jr., and M.J. Matuzak,* JJ.

PER CURIAM.

Plaintiff appeals as of right from a Court of Claims order granting summary disposition of his wrongful discharge and due process claims pursuant to MCR 2.116(C)(7) and (10). Defendant cross-appealed, raising additional grounds to support the court’s order. We affirm.

The trial court properly granted summary disposition of plaintiff’s wrongful discharge claim on the basis that plaintiff had failed to exhaust his administrative remedies under defendant’s grievance procedure. *Dahlman v Oakland University*, 172 Mich App 502; 432 NW2d 304 (1988). See also *Mollett v Taylor*, 197 Mich App 328; 494 NW2d 832 (1992). Plaintiff’s claim that invoking the grievance procedure would have been futile given that the university president would appoint one or possibly two members of the complaint review committee is based on mere speculation and does not excuse his failure to pursue his administrative remedies before seeking judicial review. *Dahlman, supra* at 506. Accordingly, summary disposition of this claim was properly granted pursuant to MCR 2.116(C)(7).

* Circuit judge, sitting on the Court of Appeals by assignment.

Plaintiff's due process claim, brought pursuant to 42 USC 1983, is not excepted from the requirement that he first exhaust his administrative remedies. The procedural due process afforded plaintiff by defendant's grievance procedure was sufficient to protect whatever property right plaintiff may have had, if any, in continued employment with the university. *Mollett, supra* at 343-345. Accordingly, the trial court properly granted summary disposition of plaintiff's due process claim pursuant to MCR 2.116(7) for failure to exhaust administrative remedies.

In light of the above, we need not address the merits of plaintiff's remaining claims or defendant's cross appeal.

Affirmed.

/s/ Jane E. Markey

/s/ Donald E. Holbrook, Jr.

/s/ Michael J. Matuzak