

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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BEATRICE RADCLIFF, formally known as  
BEATRICE GORDON,

UNPUBLISHED  
July 19, 1996

Plaintiff-Appellant,

v

No. 164732  
LC No. 90-039641-PS

KENT WEICHMANN and DAVE GORDON, JR.,

Defendants-Appellees.

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Before: Sawyer, P.J., and Neff and R. D. Gotham,\* JJ.

PER CURIAM.

Plaintiff appeals as of right from the order of the circuit court granting plaintiff interest on an amount due plaintiff in this domestic relations cause of action. We vacate in part and remand in part.

I

Plaintiff instituted this cause of action seeking payment for arrearages in child support obligations and interest on that amount from her former husband, Dave Gordon, Jr. Plaintiff's complaint also sought an accounting from Kent Weichmann, individually and in his capacity as Washtenaw County Friend of the Court in order to determine amounts improperly withheld by the FOC, and interest on that amount.

Plaintiff's claim against Gordon resulted in a default judgment in plaintiff's favor, although it is unclear from the record whether the trial court ordered Gordon to pay amounts past due and whether the court ordered interest to be paid by Gordon.

Plaintiff's claim against the FOC resulted in a judgment in her favor, including interest on the amount improperly diverted by the FOC pursuant to MCL 600.6013(6); MSA 27A.6013(6), and

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

*Langford v Langford*, 196 Mich App 297; 492 NW2d 524 (1992). However, without ever explaining why, the trial court ordered plaintiff to calculate the interest due.

## II

Plaintiff's first claim on appeal relates to the disposition of her claim against Gordon. Because it is unclear on the record presented whether the trial court dealt with how much, if any, Gordon owed in support payments and whether interest was due on the amount Gordon paid late, we remand this matter. On remand, the trial court shall either clarify its order with respect to Gordon, or if it failed to decide the issues presented in that claim, take the steps necessary to do so.

## III

In her second appellate issue, plaintiff claims that the trial court erred in failing to order the FOC to calculate the interest due. We conclude that this issue was not properly before the trial court.

MCL 552.526(1); MSA 25.176(26)(1) provides a grievance procedure to resolve disputes concerning FOC office operations or employees. Here, it is undisputed that plaintiff failed to follow this grievance procedure with respect to her claim that the FOC must calculate interest due pursuant to *Langford, supra*. Accordingly, the trial court was without jurisdiction to resolve that dispute. MCL 24.301; MSA 3.560(201). We disagree with the trial court's ruling that the parties' stipulation to the amount due eradicates the jurisdictional concern, especially because here, the issue of interest calculation was very much at issue. See *Winters v Dalton*, 207 Mich App 76, 79; 523 NW2d 636 (1994). Accordingly, we vacate that portion of the trial court's opinion that relates to calculation of interest.

Vacated in part and remanded in part for proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ David H. Sawyer

/s/ Janet T. Neff

/s/ Roy D. Gotham