STATE OF MICHIGAN

COURT OF APPEALS

MARCI FIELDS,

Plaintiff–Appellant,

v

CRAIN COMMUNICATIONS, INC., and WILLIAM A. MORROW,

Defendants–Appellees.

UNPUBLISHED
October 18, 1996

No. 183988
LC No. 94-400313-NZ

Before: Reilly, P.J., and Sawyer and W.E. Collette,* JJ.

PER CURIAM.

Plaintiff appeals by right from the trial court's order of summary disposition, granted in favor of defendants under MCR 2.116(C)(10). Plaintiff sued defendants for employment discrimination based on her sex, pursuant to the Civil Rights Act, MCL 37.2101 *et seq.*; MSA 3.548(101) *et seq*. We affirm.

Plaintiff argues that the trial court erred in determining that she had not established a prima facie case of sex discrimination. The essence of a sex discrimination claim is that "for the same or similar conduct a female plaintiff was treated differently than a similarly situated male employee." *Lytle v Malady*, 209 Mich App 179, 191-192; 530 NW2d 135 (1995). Plaintiff asserts that she was discriminated against with regard to several promotions. However, she fails to provide evidence from which a jury could conclude that she was qualified for the positions, since she does not identify the duties of the positions nor her qualifications for those duties. Plaintiff thus failed to establish a prima facie case of sex discrimination with regard to defendants' failure to promote her. In addition, defendants proffered a legitimate, nondiscriminatory reason for hiring Marantette rather than plaintiff--that Marantette was more qualified than plaintiff.

Plaintiff seeks to rely upon other incidents, involving sports tickets, presentations, scheduling and sexual harassment, to establish her prima facie case. We conclude that plaintiff cannot rely upon those

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

incidents which occurred more than three years before she filed her complaint because they are barred by the statute of limitations, MCL 600.5805(8); MSA 27A.5805(8). Because these incidents do not involve the same subject matter and did not recur, they are not subject to the continuing violations doctrine. *Meek v Michigan Bell Telephone Co*, 193 Mich App 340, 344; 483 NW2d 407 (1992). The other incidents did not involve male colleagues who were similarly situated to plaintiff. *Lytle*, 209 Mich App 191-192.

Plaintiff also argues that the trial court erred in dismissing her constructive discharge claim. We disagree. To establish that a constructive discharge occurred, an employee must show that her working conditions were so unpleasant that a reasonable person in that circumstance would feel compelled to resign. *Vagts v Perry Drug Stores, Inc*, 204 Mich App 481, 487; 516 NW2d 102 (1994). Plaintiff testified in her deposition that she loved the company and that if defendants had made a commitment to develop a position for plaintiff, she would not have resigned. This testimony does not demonstrate that a reasonable person in plaintiff's shoes would have felt compelled to resign.

Affirmed.

/s/ Maureen Pulte Reilly
/s/ David H. Sawyer
/s/ William E. Collette