

STATE OF MICHIGAN
COURT OF APPEALS

GREGORY J. BUONODONO,

Plaintiff-Appellant,

v

HOME INSURANCE COMPANY,

Defendant-Appellee.

UNPUBLISHED

December 20, 1996

No. 187902

Saginaw County

LC No. 94-4541-NZ

Before: McDonald, P.J., and Murphy and J. D. Payant*, JJ.

PER CURIAM.

Plaintiff was injured on the job while unloading debris from a truck. Plaintiff received worker's compensation benefits and brought this action to recover lost wages not paid by worker's compensation that were recoverable as lost wages benefits under Michigan's no-fault insurance act, MCL 500.3107; MSA 24.1307. Summary disposition was granted in defendant's favor. Plaintiff appeals as of right. We affirm.

Plaintiff first argues that the trial court erred in ruling as a matter of law that the "roll-off box" he was in at the time of his injury was not "another vehicle" as that term is used in MCL 500.3106(2)(a); MSA 24.13106(2)(a). We disagree. The fact that the "roll-off box" had a wheel on each lower corner is not dispositive. No evidence suggested that these wheels were used for any other purpose than to load the box onto, or off of, a trailer that subsequently transported the box and the debris it contained to and from and job site. Because no evidence suggested that the "roll-off box," alone, was capable of moving about the job site with little or no difficulty, it does not fall "within the definition of the term 'vehicle' as commonly understood." *Gordon v Allstate Ins Co*, 197 Mich App 609, 617; 496 NW2d 357 (1992).

Plaintiff conceded, at oral argument, his remaining issue is without merit. That is, no fault benefits are not available to a person collecting workers compensation for injuries arising out of the same incident.

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

Affirmed. Costs to defendant.

/s/ Gary R. McDonald

/s/ William B. Murphy

/s/ John D. Payant