

Court of Appeals, State of Michigan

ORDER

Thomas F O'Reilly v Angelo Iafrate Construction Co

Docket No. 280866

WCAC No. 05-000189

Bill Schuette
Presiding Judge

Stephen L Borrello

Alton T Davis
Judges

The Court orders that the motion to dismiss pursuant to MCR 7.211(C)(2) is GRANTED and the application for leave to appeal filed on September 19, 2007, is DISMISSED because no filing fee was ever submitted for the application for leave to appeal and the application for leave to appeal was not filed within 30 days of the June 4, 2007, WCAC decision as required by statute. Filing a claim of appeal that this Court clearly lacked jurisdiction over did not toll the time period to file an application for leave to appeal and even if that claim of appeal did toll the time period until it was dismissed, the application was still untimely because plaintiff would only have had 2 days from August 30, 2007, to file the application for leave to appeal. The Court would note that plaintiff took 2 months after he was first notified to file a legitimate application for leave to appeal. This panel declines to treat what was filed as a motion for reconsideration because what was filed in 279145 was only a claim of appeal.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

DEC 12 2007

Date

Sandra Schultz Mengel
Chief Clerk