

STATE OF MICHIGAN
COURT OF APPEALS

CHERYL WEIBEL,

Plaintiff-Appellant,

v

SALON NADWA & DAY SPA, INC.,

Defendant-Appellee.

UNPUBLISHED

April 15, 2003

No. 238765

Oakland Circuit Court

LC No. 01-028734-NZ

Before: Jansen, P.J. and Kelly and Fort Hood, JJ.

MEMORANDUM.

Plaintiff appeals as of right from a circuit court order granting defendant's motion for summary disposition. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff was employed by defendant and was later fired. She filed this action for damages, raising claims for wrongful discharge, violation of public policy, violation of the Elliott-Larsen Civil Rights Act (ELCRA), MCL 37.2101 *et seq.*, and retaliatory discharge. The trial court dismissed the first claim under MCR 2.116(C)(10) and the remaining claims under MCR 2.116(C)(8). The trial court's ruling on a motion for summary disposition is reviewed de novo. *Kefgen v Davidson*, 241 Mich App 611, 616; 617 NW2d 351 (2000).

We find no error in the court's dismissal of plaintiff's wrongful discharge claim. The evidence showed that plaintiff had received a copy of defendant's employee handbook which clearly stated that employment was at will and terminable for any reason and that the policies expressed therein were not intended to create a contract. Therefore, plaintiff could not have had a legitimate expectation of just-cause employment. *Lytle v Malady (On Rehearing)*, 458 Mich 153, 170-171; 579 NW2d 906 (1998).

Plaintiff takes exception to the trial court's ruling on her public policy claim. This issue is deemed abandoned because plaintiff has not briefed the merits of the claim or cited any applicable supporting authority. *Prince v MacDonald*, 237 Mich App 186, 197; 602 NW2d 834 (1999). Accordingly, we decline to consider it.

We find no error in the dismissal of plaintiff's ELCRA claim. It is unclear from the complaint whether the claim is based on a denial of a public accommodation or public service under MCL 37.2302 or an adverse employment decision or maintenance of a hostile work

environment under MCL 37.2202. However, the violation was alleged to be on the basis of plaintiff's "disability to communicate," and being disabled is not a protected classification under either § 202 or § 302 of the act.

Finally, we find no error in the court's dismissal of plaintiff's retaliatory discharge claim. It appears from the complaint that the claim was brought under MCL 37.2701(a). However, it does not allege that plaintiff opposed an employment practice that was prohibited under the ELCRA. Although plaintiff contends her claim was brought under MCL 15.362 or MCL 418.301, the allegations do not include any reference to being fired for reporting a violation of law to a public body or to being fired for filing a claim for worker's compensation benefits.

Affirmed.

/s/ Kathleen Jansen
/s/ Kirsten Frank Kelly
/s/ Karen M. Fort Hood