

Order

Michigan Supreme Court
Lansing, Michigan

September 14, 2006

131255 & (57)

JOEL R. WILLIAMSON,
Plaintiff-Appellee,
Cross-Appellee,

v

CITY OF LIVONIA,
Defendant-Appellant,
Cross-Appellee,

and

SECOND INJURY FUND,
Defendant-Appellee,
Cross-Appellant.

Clifford W. Taylor,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

SC: 131255
COA: 260274
WCAC: 03-000422

On order of the Court, the application for leave to appeal the April 11, 2006 judgment of the Court of Appeals and the application for leave to appeal as cross-appellant are considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and REINSTATE the decision of the Workers' Compensation Appellate Commission, mailed December 15, 2004, for the reasons stated in that decision. The Court of Appeals erred by finding res judicata inapplicable because plaintiff's first petition pertained to a psychological condition and his second petition pertained to cardiovascular disease. A worker's compensation award is an adjudication as to the condition of the injured employee at the time it is entered, and conclusive of all matters adjudicable at that time. *Gose v Monroe Auto Equipment Co*, 409 Mich 147, 160-161 (1980).

KELLY, J., would deny leave to appeal.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 14, 2006

Corbin R. Davis

Clerk