Court of Appeals, State of Michigan

ORDER

John L Chase v Terra Nova Industries

Docket Nos. 295138; 295251

LC No. 00-000148; 04-000116; 04-000218

Michael J. Talbot
Presiding Judge

Kurtis T. Wilder

Cynthia Diane Stephens
Judges

The Court orders that the applications are HELD IN ABEYANCE, and the matter is REMANDED to the Worker's Compensation Appellate Commission, due to the fact that the WCAC decision failed to indicate which carrier, State Farm Fire & Casualty Insurance Company or Argonaut Midwest Insurance Company, which is the carrier for W.E. O'Neil Construction Company, took the place of St. Paul Guardian Insurance Company as the party liable for plaintiff's benefits. In other words, the WCAC apparently never reviewed the magistrate's determination that State Farm was estopped from denying coverage, which in effect, should have relieved W.E. O'Neil and Argonaut from the magistrate's order directing them to pay plaintiff's benefits. Accordingly, the WCAC is directed to address this issue on remand and to issue a supplemental opinion and order.

This Court retains jurisdiction. The administrative record shall be returned to the WCAC for purposes of the remand proceeding. Once the remand proceedings are concluded, the record should be forwarded to this Court for further review of the matter.

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

OCT 14 2010
Date

Sandra Schultz Mengel
Chief Clerk