Consumers Energy
Count on Us

A CMS Energy Company

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Members of the House Commerce Committee
Michigan House of Representatives
P.O. Box 30014
Lansing, MI 48909-7514

RE: House Bill 5002 of 2011

Dear Committee Members:

Consumers Energy Company supports House Bill 5002 that seeks to amend the Michigan Worker's Disability Compensation Act. Proper revisions that recognize medical and technological advancements, as well as recent court decisions, could provide stability for the worker's compensation system both now and in the future. There is no greater example of the need for modernization than MCL 418.361(2). Currently, the statute does not account for the impact of medical advancements when determining whether a specific loss injury has occurred. Therefore, the aforementioned section should be remedied by the Legislature as recommended by a majority of the Michigan Supreme Court in *Trammel v Consumers Energy Co*, 486 Mich 975; 782 NW2d 776 (2010). The Court's Order in *Trammel* states:

> I write separately to acknowledge the argument, made by the defendant and its amici, that the opinion of the Workers' Compensation Appellate Commission (WCAC) will ultimately authorize significantly more benefits than the Legislature intended for workers claiming limb loss. In particular, the briefs observe that the increasing prevalence and success of joint replacement surgery militates against providing scheduled loss benefits under MCL 418.361(2) to an employee whose limb is returned to usefulness by way of internal, surgical correction. **These concerns are best addressed to the Legislature, which has the power to amend the statutes on which the WCAC relied.**
>
> WEAVER, YOUNG, and MARKMAN, JJ., join the statement of CORRIGAN, J. [Emphasis added.]

In short, Consumers Energy Company encourages this Committee and the Legislature to adopt the revisions in HB 5002 to create a more stable and efficient worker's compensation system in Michigan.

Sincerely,

Douglas W. Wright

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