STATE OF MICHIGAN

COURT OF CLAIMS

KAREN FORD,

Plaintiff,

v

Case No. 26-000107-MZ

STATE OF MICHIGAN, AMY KRAMER,[1] JULIE GONZALEZ, and JENNIFER SHORES,

Hon. Michael F. Gadola

Defendants.
_____ /

OPINION AND ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY DISPOSITION UNDER MCR 2.116(C)(7) AND DISMISSING CASE

Plaintiff filed her lawsuit in Genesee Circuit Court on February 18, 2026, alleging that the State of Michigan[2] terminated her employment with the Michigan Department of Health and Human Services (MDHHS) on December 18, 2025, for racially motivated reasons and in retaliation for her whistleblowing activities. Plaintiff's lawsuit raised claims under the Whistleblowers' Protection Act (WPA), MCL 15.361 *et seq*. (Count I), as well as claims of race discrimination and retaliation under the Elliott-Larsen Civil Rights Act (ELCRA), MCL 37.2101 *et seq*. (Counts II and III).

[1] The correct spelling is Cramer.

[2] Defendants Julie Gonzalez, Jennifer Shores, and Amy Cramer, are MDHHS employees who plaintiff alleges were "instrumental in initiating the disciplinary investigation against Plaintiff based upon supposed faults found with the manner in which previously supervised employees had handled various cases in Livingston County beginning in January of 2025."

The WPA claim was transferred by defendants to this Court on May 21, 2026. The same day, defendants moved for partial summary disposition under MCR 2.116(C)(4) and (8), arguing that plaintiff failed to state a claim under the WPA, and that the Court lacked subject-matter jurisdiction over the WPA claim, because the statutory protections of the WPA do not apply to members of the state classified civil service. MCL 15.361(a).

This Court received the Genesee Circuit Court record on June 15, 2026. On June 17, 2026, this Court entered an Order to Show Cause directing plaintiff to file an amended complaint complying with the verification requirements of MCL 600.6431(1) of the Court of Claims Act (COCA), MCL 600.6401 *et seq*. Plaintiff complied with that directive on June 26, 2026, by filing a notarized copy of the same complaint she had filed in the circuit court.

Defendants again moved for summary disposition of the amended complaint under MCR 2.116(C)(7) on July 16, 2026, arguing that plaintiff's claims are claims for personal injury and therefore the six-month notice provision of MCL 600.6431(4) governs the claims. Defendants also renewed their argument that plaintiff's WPA claim must be dismissed.

In response to defendants' motion, plaintiff voluntarily consented to the dismissal of her WPA claim. With respect to the ELCRA claims, plaintiff, relying on *Christie v Wayne St Univ*, 511 Mich 39, 64-65; 993 NW2d 203 (2023), and *Chiravuri v Univ of Mich*, unpublished opinion of the Court of Appeals, issued September 1, 2025 (Docket No. 373389), argues that the one-year provision of MCL 600.6431(1) governs her ELCRA claims. Plaintiff also argues that employment-related claims cannot be personal injury claims because Internal Revenue Service (IRS) regulations distinguish between employment claims and personal injury claims for purposes of federal taxation.

The Court determines that the six-month notice period of MCL 600.6431(4) applies to plaintiff's ELCRA claims. Plaintiff did not file a complaint that complied with the verification requirements of the COCA within six months of the event giving rise to her claims—i.e., termination of her employment. Accordingly, the Court GRANTS defendants' motion for summary disposition and DISMISSES plaintiff's complaint in its entirety.

MCL 600.6431 states, in relevant part:

> (1) Except as otherwise provided in this section, a claim may not be maintained against this state unless the claimant, within 1 year after the claim has accrued, files in the office of the clerk of the court of claims either a written claim or a written notice of intention to file a claim against this state or any of its departments, commissions, boards, institutions, arms, or agencies.
>
> (2) A claim or notice under subsection (1) must contain all of the following:
>
> * * *
>
> (d) A signature and verification by the claimant before an officer authorized to administer oaths.
>
> * * *
>
> (4) For a claim against this state for property damage or personal injuries, the claimant shall file the claim or notice under subsection (1) with the clerk of the court of claims within 6 months after the event that gives rise to the claim.

The failure to comply with the notice-and-verification requirements of MCL 600.6431 requires dismissal of the action. *Elia Cos, LLC v Univ of Mich Regents*, 511 Mich 66, 68; 993 NW2d 392 (2023).

In *Short v Mich State Police*, ___ Mich App ___; ___ NW3d ___ (2026) (Docket No. 375823), the Court of Appeals held that the six-month notice period of subsection (4) applied in a case alleging discrimination based on disability that was brought under the Persons with Disabilities Civil Rights Act (PWDCRA), MCL 37.1101 *et seq*. Such discrimination in violation

of the Act, the Court reasoned, is a violation of a guaranteed civil right, amounting to a "personal injury," based on that phrase's specialized meaning. *Short*, ___ Mich App at ___; slip op at 5–10.[3]

Plaintiff's claims in the current action similarly sound in personal injury. Plaintiff raises her discrimination and retaliation claims under the ELCRA. These are invasions of plaintiff's guaranteed civil rights and the injury was personal to plaintiff. Accordingly, plaintiff was required to file her claims or notice of intent to file her claims containing a signature and verification by the claimant before an officer authorized to administer oaths within six months of the event that gave rise to the claims, or by June 18, 2026. Plaintiff, however, did not file a notice of intent or claim containing her signature and verification before a notary until June 26, 2026.[4] Accordingly,

The Court GRANTS defendants' motion for summary disposition and DISMISSES plaintiff's complaint in its entirety and with prejudice.

---

[3] The Court of Appeals stated:

> While our appellate courts have generally cited § 6431(1) in cases involving ELCRA claims, no binding decision has expressly addressed whether an employment discrimination claim against a state defendant qualifies as a "personal injury" claim such that § 6431(4) governs the COCA notice requirements. *Id*. at ___; slip op at 6.

The Court of Appeals concluded that the Supreme Court in *Christie* did not hold that the 1-year notice period in § 6431(1) applies to claims alleging violations of the ELCRA and the PWDCRA. *Id*. The Court of Appeals also disagreed with *Chiravuri's* analysis and conclusion and declined to adopt it. *Id*. at ___; slip op at 9.

[4] Plaintiff's reliance on IRS regulations is misplaced. Any distinctions the IRS makes between taxable types of claims are inapplicable here as the IRS regulations apply to federal tax implications and not to how a state classifies its claims under state law.

IT IS SO ORDERED. This order resolves the last pending claim and closes the case.

Date: August 7, 2026

Hon. Michael F. Gadola
Chief Judge, Court of Claims