

STATE OF MICHIGAN
COURT OF APPEALS

DONALD E. WICKMAN,

Plaintiff-Appellant,

v

No. 102481

HARTFORD INSURANCE COMPANY,
and ROBERT DAVISON,

Defendants-Appellee.

Before: Beasley, P.J., and Sawyer and Weaver, JJ.

PER CURIAM

Plaintiff appeals as of right from a circuit court order granting summary disposition in favor of defendants. We affirm.

On September 11, 1981, plaintiff was injured when his motor vehicle was struck by a vehicle driven by a third party. Plaintiff's claim against his insurer, defendant Hartford, for first-party benefits under the no-fault act, MCL 500.3101 et seq; MSA 24.13104 et seq, resulted in settlement on September 1, 1984, through the efforts of defendant Davison, a Hartford claims adjuster. When plaintiff later sued the other driver in a third-party action, plaintiff learned that defendant Davison had structured the first-party settlement to include an offset of \$560 per month for plaintiff's social security retirement benefits.

Plaintiff then initiated this action, asserting his entitlement to receive the \$560 per month which had been withheld as an offset. Defendants contended that plaintiff's claim was time-barred because not brought within one year after the most recent allowable expense as required by MCL 500.3145; MSA 24.13145. The circuit court granted summary disposition in favor of defendants pursuant to MCR 2.116(C(7) and (8)).

The circuit court did not err in granting summary disposition in favor of defendants. Plaintiff was required to

sue defendants "within one year after the most recent allowable expense, work loss or survivor's loss [was] incurred." MCL 500.3145; MSA 24.13145. Since plaintiff's most recent allowable work losses were incurred on September 11, 1984, it is clear that commencement of this action on January 9, 1987 was untimely.

Affirmed.

/s/ William R. Beasley
/s/ David H. Sawyer
/s/ Elizabeth A. Weaver