

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF INGHAM

CARL M. POLLARD,

Plaintiff,

DOCKET 87-60675-CK

-vs-

AUTO-OWNERS INSURANCE
COMPANY,

Defendants.

ORDER GRANTING SUMMARY DISPOSITION


At a session of said Court held in the
County of Ingham on the 3rd day of
October, 1988.

PRESENT: HONORABLE JAMES R. GIDDINGS
Circuit Judge

This matter having come before the Court on Plaintiff's Complaint for no-fault insurance benefits, Defendant having responded to the Complaint; Plaintiff having filed a Motion for Summary Disposition and supporting memorandums; Defendant having filed a Brief in Opposition to said motion and this Court having reviewed the various documents and being fully advised in the premises;

NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that Plaintiff's Motion for Summary Disposition be and the same is hereby GRANTED. It appears that the eligibility standards for social security benefits are significantly different than the standards contained in the No-Fault Act and thus any determination of Plaintiff's right of entitlement by this Court in advance of a formal determination by the Social Security Administration would be premature and would not constitute a proper basis for offsetting Plaintiff's right to no-fault benefits. Moreover, Defendant may set off social security benefits only to the extent that such payments are actually received by a claimant. See Thompson v DAIE, 418 Mich 610; 344 NW2d 764 (1984); Grau v DAIE, 148 Mich App 82; 383 NW2d 616 (1985) and OAG No 6111, p 774 (December 13, 1982). Since none has been received, Plaintiff's motion must be granted.

IT IS SO ORDERED.



JAMES R. GIDDINGS
Circuit Judge