

S T A T E O F M I C H I G A N
C O U R T O F A P P E A L S

BRENDA WALLACE, Successor Conservator
of the Estate of CHARLES QUENTIN
WALLACE, a Minor Protected Person,

Plaintiff-Appellant,

v

No. 114391

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, a foreign
insurance corporation,

Defendant-Appellee.

Before: Gillis, P.J., and Sullivan and Cavanagh, JJ.

PER CURIAM.

Plaintiff appeals as of right from the circuit court's order denying her request for a declaratory judgment holding that defendant was liable to pay certain expenses pursuant to MCL 500.3107(a); MSA 24.13107(a). We affirm.

Charles Wallace, plaintiff's son, was rendered paraplegic in an automobile accident with defendant's insured. Plaintiff subsequently filed suit on her son's behalf, claiming that defendant was required to pay for an especially equipped van, including an hydraulic wheelchair lift, a citizen's band radio, tinted windows, a cot and a separate heater. Plaintiff also requested a garage, a garage door opener, and sidewalks or ramps as well as lifetime van replacements or repairs, maintenance, insurance, license fees and taxes. Plaintiff relies on MCL 500.3107(a); MSA 24.13107(a), which provides:

Personal protection insurance benefits are payable for the following:

(a) Allowable expenses consisting of all reasonable charges incurred for reasonably necessary products, services and accommodations for an injured person's care, recovery, or rehabilitation

Defendant denied that it had the responsibility to furnish plaintiff's son with the requested items; however, defendant agreed to pay for adaptive devices, including tinted

windows and a citizen's band radio, if plaintiff's son acquired an automobile.

The circuit court held that the van was not necessary, applying a cost-benefit analysis in part. Plaintiff claims that such a cost-benefit analysis is improper and that the statute requires only that the charge be reasonable and that the product, service or accommodation for an injured person's care, recovery, or rehabilitation be reasonably necessary. We believe that the cost-benefit analysis was used to determine if the van was "reasonably necessary." In any event, having reviewed the entire record, we agree with the circuit court's conclusion that the van was not reasonably necessary. Lenawee County Board of Comm'rs v Abraham, 93 Mich App 774, 779; 287 NW2d 371 (1979).

Affirmed.

/s/ John H. Gillis
/s/ Joseph B. Sullivan
/s/ Mark J. Cavanagh