

STATE OF MICHIGAN
COURT OF APPEALS

ELLEN W. NAVIDONSKI and
ALOYSIOUS J. NAVIDONSKI,

Plaintiffs-Appellants,

DEC 4 1986

-v-

No. 82338

VELMA RAMSEY,

Defendant-Appellee.

BEFORE: Cynar, P.J. and R.B. Burns and F.X. O'Brien*, JJ.

PER CURIAM

Plaintiffs appeal from the trial court's order of December 10, 1984, granting the defendant's motion for summary judgment pursuant to former GCR 1963, 117.2(3). The issue is whether plaintiff Ellen Navidonski's carpal tunnel syndrome constitutes serious impairment of body function. See MCL 500.3135; MSA 24.13135.

Plaintiff was injured in an automobile accident on August 11, 1980. She was given emergency room treatment for a facial laceration. After the impact plaintiff experienced pain in her back, shoulders and right arm extending along the inside of her arm from shoulder to palm. An electrodiagnostic examination of her arm on June 22, 1981, contained "the possibility of a mild carpal tunnel syndrome on the right" as an incidental finding. The following month plaintiff terminated her employment as a part-time registered nurse citing recurring back, neck and right arm pain.

Plaintiff was deposed in November, 1984. She testified that she had experienced no carpal tunnel difficulties prior to August, 1980. Subsequent to the accident she experienced progressively worsening pain and weakness in her right arm with occasional numbness of her entire right hand except for the little finger. The pain, weakness and numbness caused her to lose her grip. Plaintiff dropped intravenous units while attending patients

*Circuit judge sitting on the Court of Appeals by assignment.

and household items such as cups and jars. Arm pain made cooking and vacuuming more difficult. Plaintiff was able to perform the basic tasks of eating and hair combing.

Plaintiff underwent carpal tunnel surgery in July, 1983. According to plaintiff, the surgery helped her condition. The numbness of her right hand was eliminated except for the thumb. A report prepared following an examination in June, 1984, described her strength as good. Plaintiff still suffered frequent loss of grip but could compensate by consciously using her left hand or both hands when grasping objects. Plaintiff continued to experience pain during household and recreational activities.

When there is no factual dispute regarding the nature and extent of a plaintiff's injuries or when the factual dispute is not material, the trial court rules as a matter of law whether the threshold requirement of serious impairment of body function has been met. Cassidy v McGovern, 415 Mich 483, 502; 330 NW2d 22 (1982). Although the phrase "serious impairment of body function" must be developed on a case by case basis, some standards are established.

Impairment of body function refers to important body functions and is measured by an objective standard which looks to the effect of an injury on a person's general ability to live a normal life. The seriousness of an injury is to be considered in conjunction with the other statutory requirements of death and permanent serious disfigurement. Though permanence is not a requisite, it is a relevant factor. Recovery is predicated on objectively manifested injuries that affect the functioning of the body, not on serious pain and suffering. Cassidy, supra, p 503-505.

Movement of the hand is an important body function. Meklir v Bigham, 147 Mich App 716, 720; 383 NW2d 95 (1985). Defendant concedes and we agree that plaintiff's injury is objectively manifested by conduction studies which revealed borderline distal motor and sensory latencies for the right median nerve. The diagnosis was carpal tunnel syndrome. We do not believe however that the physical limitations imposed by plaintiff's injury

amount to serious impairment, either before or after surgery.

Plaintiff does not have full use of her right hand. Its use is accompanied by arm pain and impaired by occasional weakness, numbness and loss of grip. We are not unsympathetic to plaintiff's discomfort. Nonetheless, pain itself is not material to plaintiff's recovery and the difficulties plaintiff experienced in her daily activities have not had a significant impact on her ability to lead a normal life. Meklir, supra, Franz v Woods, 145 Mich App 169, 177-178; 377 NW2d 373 (1985), Guerrero v Schoolmeester, 135 Mich App 742, 751; 356 NW2d 251 (1984), Braden v Lee, 133 Mich App 215; 348 NW2d 63 (1984). As a matter of law, plaintiff's carpal tunnel syndrome does not meet the no-fault threshold of serious impairment of body function.

AFFIRMED.

/s/ Walter P. Cynar
/s/ Robert B. Burns
/s/ Francis X. O'Brien