MICHIGAN COURT OF APPEALS DECISIONS - PUBLISHED CASES

Bra	iska v Dep	artment of	Licensing	and Regulatory	/ Affairs,	Mich	App
;	_NW2d	(2014):					

Issue: Whether an employee who possesses a registration identification card under the Michigan Medical Marihuana Act (MMMA) is disqualified from receiving unemployment benefits under the Michigan Employment Security Act (MESA) after the employee has been terminated for failing to pass a drug test?

Holding: NO

The Court held that "because there was no evidence to suggest that the positive drug tests were caused by anything other than claimants' use of medical marijuana in accordance with the terms of the MMMA, the denial of the benefits constituted an improper penalty for the medical use of marijuana under the MMMA, MCL 333.26424(a).

Because the MMMA preempts the MESA, the circuit courts did not err in reversing the MCAC's rulings that claimants were not entitled to unemployment compensation benefits."

Affirmed.