STATE OF MICHIGAN

COURT OF APPEALS

UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURE IMPLEMENT WORKERS OF AMERICA, LOCAL 6000, Petitioner-Appellant,	UNPUBLISHED February 18, 2003
v	No. 226553 Ingham Circuit Court
FAMILY INDEPENDENCE AGENCY and MICHIGAN CIVIL SERVICE COMMISSION, Respondents-Appellees.	LC No. 99-089571-AA

Before: Markey, P.J., and Saad and Smolenski, JJ.

PER CURIAM.

Petitioner appeals by leave the circuit court's March 29, 2000 judgment which affirmed the Civil Service Commission's dismissal of its petition. We affirm because, under the circumstances of this case, the issues petitioner presents on appeal are not subject to review by this Court.

Petitioner argues that Civil Service Commission's policy, pursuant to Civil Service Commission Rule 4-6, which authorizes the disbursement of funds for personal service contracts to employees outside the classified civil service where the cost savings to the state will be substantial, is in contravention of our state constitution; specifically, article11, section 5 which created the classified civil service. We hold that our review of this issue is precluded for two reasons.

First, this Court addressed the same issue in *Int'l Union, United Automobile, Aerospace and Agricultural Implement Workers of America v Civil Service Comm*, 223 Mich App 403, 406; 566 NW2d 57 (1997), holding that the use of independent contract workers pursuant to Rule 4-6 was constitutional, and we are bound to follow its precedent.[1] MCR 7.215(I)(1). Petitioner asserts that this case was wrongly decided, and invites us to revisit the issue. We decline to do so.

[1] We note that while not bound by its precedent, this Court upheld the constitutionality of a previous version of Rule 4-6 in *Michigan State Employees Assoc v Civil Service Comm*, 141 Mich App 288, 293; 367 NW2d 850 (1985).

Second, we are bound by this Court's ruling in petitioner's previous appeal pursuant to the law of the case doctrine. *Grievance Administrator v Lopatin*, 462 Mich 235, 261; 612 NW2d 120 (2000). While petitioner's appeal was pending before the Employment Review Board, petitioner filed an action in circuit court asserting, among other issues, that it was unconstitutional for the Family Independence Agency to contract outside the civil service for personal services based on cost savings. The circuit court granted respondents' motion for summary disposition, and petitioner appealed to this Court.

This Court affirmed the circuit court's decision, holding in part that it was bound by the precedential effect of *Michigan State Employees Assoc v Civil Service Comm*, 141 Mich App 288, 293; 367 NW2d 850 (1985), and *Int'l Union, supra*, and that "[m]oreover, plaintiff has not persuaded us that the above cases were wrongly decided." *United Automobile, Aerospace and Agricultural Implement Workers of America Local 6000 v Family Independence Agency, et al*, unpublished opinion per curiam of the Court of Appeals, issued November 30, 1999 (Docket No. 214214), slip op 2. Therefore, we are bound by this decision.[2] Furthermore, even if we believed that this holding was erroneous, such a conclusion is not sufficient to justify ignoring the law of the case.[3] *Booker v Detroit*, 251 Mich App 167, 182; 650 NW2d 680 (2002).

Petitioner also argues that the Civil Service Commission's decision was not supported by substantial, competent, and material evidence. However, even if we were to decide in favor of petitioner, no effective relief could be granted. The contracts at issue were for fiscal years 1993-1996, and, therefore, have already expired. Consequently, this issue is moot. An issue is moot if an event has occurred which renders it impossible for the court to grant relief. *City of Jackson v Thompson-McCully Co, LLC*, 239 Mich App 482, 493; 608 NW2d 531 (2000). An appellate court will not review a moot issue. *Id*.

Affirmed.

/s/ Jane E. Markey
/s/ Henry William Saad
/s/ Michael R. Smolenski

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[2] Even though the case was not remanded pursuant to the previous appeal, the law of the case doctrine is still applicable. As our Supreme Court explained in *Lopatin, supra* at 261 n 26 (quotations and citations omitted), "The doctrine exists primarily to maintain consistency and avoid reconsideration of matters once decided during the course of a single continuing lawsuit."

[3] Petitioner contends that the law of the case doctrine is not applicable because the previous appeal involved different fiscal years and a prior version of Rule 4-6. The doctrine applies only if the law and the facts have remained substantially the same. *Booker, supra* at 183. There has been no change in the law, and we are not persuaded that the difference in the facts render the doctrine inapplicable. The pertinent portion of Rule 4-6 did not change and the difference in fiscal years does not impact the question of the Rule's constitutionality.