

MICKEY PLOTT, Employee v. BOJANGLE'S RESTAURANTS, INC., Employer,  
INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA c/o AIG CLAIM  
SERVICES, Carrier

No. 55A07

FILED: 12 OCTOBER 2007

**Workers' Compensation-disability benefits-refusal of sedentary  
employment**

The decision of the Court of Appeals in a workers' compensation case is reversed for the reasons stated in the dissenting opinion that evidence before the Industrial Commission supported its determination that plaintiff was not entitled to ongoing benefits because defendant employer offered him sedentary employment at his preinjury wage after he was released by his physician to return to work, but plaintiff refused to attempt this employment and has not made reasonable efforts to find suitable employment.

# Supreme Court

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 181 N.C. App. 61, 638 S.E.2d 571 (2006), reversing and remanding an opinion and award filed on 8 July 2005 by the North Carolina Industrial Commission. Heard in the Supreme Court 12 September 2007.

# Slip Opinion

*Raymond M. Marshall and Jay A. Gervasi, Jr. for  
plaintiff-appellee.*

*Robinson & Lawing, L.L.P., by Jolinda J. Babcock, for  
defendant-appellants.*

PER CURIAM.

For the reasons stated in the dissenting opinion, we reverse the decision of the Court of Appeals.

REVERSED.

Justice HUDSON did not participate in the consideration or decision of this case.