

**NOT RECOMMENDED FOR FULL-TEXT PUBLICATION**

**File Name: 09a0335n.06**

**Filed: May 15, 2009**

**No. 08-1179**

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

CHRISTOPHER L. PETERSON,	)	
	)	
Plaintiff-Appellant,	)	ON APPEAL FROM THE
	)	UNITED STATES DISTRICT
v.	)	COURT FOR THE EASTERN
	)	DISTRICT OF MICHIGAN
GENERAL MOTORS CORPORATION,	)	
	)	
Defendant-Appellee.	)	
_____	)	

**BEFORE: KENNEDY, GIBBONS, and ROGERS, Circuit Judges.**

**ROGERS, Circuit Judge.** Plaintiff Christopher Peterson appeals the district court's grant of summary judgment in favor of defendant General Motors Corporation. Peterson brought this suit alleging violations of ERISA, violations of the Family and Medical Leave Act, retaliation under Michigan's Elliott-Larsen Civil Rights Act, and discrimination under Michigan's Persons with Disabilities Civil Rights Act. After reviewing the record, the parties' briefs, and the applicable law, and hearing oral argument, this court determines that no jurisprudential purpose would be served by a panel opinion and affirms the district court's decision for the reasons stated in Judge Steeh's January 7, 2008, opinion and order.

On appeal, Peterson raises a new argument challenging the district court's finding that he was not an eligible employee under the FMLA. Peterson claims that the district court erred in relying

No. 08-1179

*Peterson v. General Motors Corp.*

on GM's calculations of the number of hours he worked in the twelve months prior to his last disability leave period because GM improperly based its calculations on a standard eight-hour work day. Because Peterson failed to raise this issue before the district court, his argument will not be considered on appeal. *See Moorer v. Baptist Memorial Health Care System*, 398 F.3d 469, 487 (6th Cir. 2005); *Noble v. Chrysler Motors Corp., Jeep Div.*, 32 F.3d 997, 1002 (6th Cir.1994). Furthermore, though it is unclear which dates GM used to calculate the relevant twelve-month FMLA period, Peterson did not challenge this aspect of the calculation before the district court or on appeal.

The district court properly granted summary judgment in favor of GM. The judgment of the district court is therefore affirmed.