

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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DAVID SIEGEL and JUDY SIEGEL,

Plaintiffs-Appellees,

v

BLUE CROSS AND BLUE SHIELD OF  
MICHIGAN, a Michigan Insurance Corporation;  
SUSAN CROWLEY and CINDY DION, jointly  
and severally,

Defendants-Appellants.

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UNPUBLISHED  
October 11, 1996

No. 175425  
LC No. 93-328341-CZ

Before: Taylor, P.J., and Murphy and E. J. Grant,\* JJ.

MEMORANDUM.

Defendants appeal, by leave granted, the trial court's denial of their motion for summary disposition. We remand.

Plaintiff, David Siegel,<sup>1</sup> began working for defendant Blue Cross and Blue Shield of Michigan (BCBSM) in 1974. On March 8, 1993, BCBSM sent all its non-union employees, including plaintiff, a letter announcing that it was implementing an important change in its employment policies, to wit, all termination-related disputes would be subject to mandatory arbitration before the American Arbitration Association. The letter indicated that the actual policy was in the process of being printed and would be available in the regional human resources office the week of March 28, 1993, and that it would be conducting briefings on the procedure in the coming months. On March 25, 1993, plaintiff was terminated. On October 5, 1993, plaintiff and his wife filed a lawsuit in circuit court. Plaintiff alleged (1) discrimination based upon age, sex and religion in violation of the civil rights act, (2) tortious interference with contract, (3) intentional infliction of emotional distress, (4) violation of public policy, and (5) exemplary damages. The lawsuit did not allege that plaintiff had been terminated in violation of a promise for just-cause employment.

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

Defendants moved for summary disposition arguing that plaintiffs' claims were exclusively subject to arbitration rather than litigation pursuant to the arbitration policy. The trial court denied defendants' motion. This Court granted defendants' application for leave to appeal to review the propriety of the court's denial of defendants' motion.

The Michigan Supreme Court recently decided *Heurtebise v Reliable Business Computers*, 452 Mich 405; \_\_\_ NW2d \_\_\_ (1996) reh den 9/16/96, which is relevant to the issue before this Court. Because the trial court did not have the benefit of the Supreme Court's recent opinion with emphasis on the employee handbook language, we find that a remand for reconsideration in light of *Heurtebise* is appropriate. The parties shall be afforded the opportunity to file new briefs and any employee handbook or similar documents to address *Heurtebise's* impact on this case. *Jennings v Southwood*, 446 Mich 125, 145-146; 521 NW2d 230 (1994). We further direct the parties to brief, and the court to consider the import, if any, of the fact that it appears that, prior to termination, plaintiff did not have a copy of the actual arbitration policy nor was one available in one of BCBSM's human resource departments.

Remanded. We do not retain jurisdiction.

/s/ Clifford W. Taylor  
/s/ William B. Murphy  
/s/ Edward J. Grant

<sup>1</sup> The lower court record indicates that David Siegel is now deceased.