



DETROIT
**Water & Sewerage
Department**

Water Board Building
735 Randolph Street
Detroit, MI 48226

Customer Service
Phone: 313-267-8000
www.detroitmi.gov/dwsd

September 12, 2024

Gary Redd
21081 Dartmouth Drive
Southfield, MI 48076

Please find this correspondence as a follow-up to the communication you provided on September 5, 2024, to the Detroit Water and Sewerage Department (DWSD), and the Board of Water Commissioners (BOWC) regarding your claim No. 22-340 for 16623 Lawton, Detroit, Michigan 48221.

Your correspondence has been received. A complete investigation and review of your claim was completed and your claim was denied because we have not received sufficient information to make a determination regarding the cause of your damage. A letter to this effect was mailed to you on July 31, 2024. I have included an updated copy of your claim response as well as additional documents for your reference.

Should you have any further questions or concerns, please do not hesitate to reach out to my office directly. A copy of this letter will be submitted to the BOWC on September 18, 2024.

Thank you for being a valued DWSD customer.

Respectfully,

Chief of Staff and Customer Service Officer
CC: Board of Water Commissioners



July 31, 2024

Gary Redd
21081 Dartmouth Drive
Southfield, Michigan 48076

Regarding: **Claim No. 22-340**
Location: **16623 Lawton**

Dear Gary Redd:

The Detroit Water & Sewerage Department ("DWSD") has reviewed your basement backup damage claim. In the State of Michigan, sewer backups are covered under Public Act 222, MCL 691.1416 through 19, which states a municipality is only liable if all of the following conditions are met:

- a) The governmental agency was an appropriate governmental agency.
- b) The sewage disposal system had a defect.
- c) The governmental agency knew, or in the exercise of reasonable diligence should have known, about the defect.
- d) The governmental agency, having the legal authority to do so, failed to take reasonable steps in a reasonable amount of time to repair, correct, or remedy the defect.
- e) The defect was a substantial proximate cause of the event and the property damage or physical injury.

Based on the available facts and information, it was determined that your claim does not meet one or more of the above-referenced conditions. Therefore, your claim is denied.

Your claim may be reconsidered only if additional information, which was not previously provided, substantiating DWSD's legal liability for your claim of damages is provided **in writing within fourteen days of the date of this letter**. The Office of the General Counsel will review your claim and additional information and determine whether a Reconsideration is warranted. If a Reconsideration is granted, the Office of the General Counsel will notify you by letter of the date, time, and place you are to appear to present your information. If a hearing is not granted, you will also be notified in writing.

If you have any questions, please contact the Claims and Disputes Team at (313) 267-8000.

Respectfully,

Claims and Disputes Team