

American Arbitration Association
New York No-Fault Arbitration Tribunal

In the Matter of the Arbitration between:

AAAMG Leasing Corp.
(Applicant)

- and -

MTA Bus Company
(Respondent)

AAA Case No. 17-19-1124-5029

Applicant's File No. GS-698996

Insurer's Claim File No. 160023195001

NAIC No. Self-Insured

ARBITRATION AWARD

I, Mary Anne Theiss, the undersigned arbitrator, designated by the American Arbitration Association pursuant to the Rules for New York State No-Fault Arbitration, adopted pursuant to regulations promulgated by the Superintendent of Insurance, having been duly sworn, and having heard the proofs and allegations of the parties make the following **AWARD**:

Injured Person(s) hereinafter referred to as: Claimant

1. Hearing(s) held on 06/19/2020, 08/19/2020
Declared closed by the arbitrator on 08/19/2020

Matthew Slodzinski, Esq. from Law Offices Of Gabriel & Shapiro, LLC. participated by telephone for the Applicant

Myrna Archer, Esq. from MTA Bus Company participated by telephone for the Respondent

2. The amount claimed in the Arbitration Request, **\$ 1,002.12**, was NOT AMENDED at the oral hearing.
Stipulations WERE NOT made by the parties regarding the issues to be determined.
3. Summary of Issues in Dispute

Whether the case should proceed to arbitration, as the Carrier has proved that the claim has been paid.

4. Findings, Conclusions, and Basis Therefor

The Claimant was in an automobile accident, on May 4, 2016. She incurred bills in the amount of \$1,002.12 for dates of service April 13, 2018, to April 26, 2018, at AAAMG Leasing Corp. The Carrier proved that the principal amount of bill was paid in full. The bill was received on May 7, 2018. Payment was issued on June 5, 2018. The payment was timely. There would be no interest nor attorney fees due on this claim, which is denied.

Based on the evidence before me, I find that the denial was justified, and the claim is denied, in its entirety.

I want to thank the parties for taking the time to prepare their case.

5. Optional imposition of administrative costs on Applicant.
Applicable for arbitration requests filed on and after March 1, 2002.

I do NOT impose the administrative costs of arbitration to the applicant, in the amount established for the current calendar year by the Designated Organization.

6. I find as follows with regard to the policy issues before me:

- ☐ The policy was not in force on the date of the accident
- ☐ The applicant was excluded under policy conditions or exclusions
- ☐ The applicant violated policy conditions, resulting in exclusion from coverage
- ☐ The applicant was not an "eligible injured person"
- ☐ The conditions for MVAIC eligibility were not met
- ☐ The injured person was not a "qualified person" (under the MVAIC)
- ☐ The applicant's injuries didn't arise out of the "use or operation" of a motor vehicle
- ☐ The respondent is not subject to the jurisdiction of the New York No-Fault arbitration forum

Accordingly, the claim is DENIED in its entirety

This award is in full settlement of all no-fault benefit claims submitted to this arbitrator.

State of New York
SS :
County of Madison

I, Mary Anne Theiss, do hereby affirm upon my oath as arbitrator that I am the individual described in and who executed this instrument, which is my award.

08/24/2020
(Dated)

Mary Anne Theiss

IMPORTANT NOTICE

This award is payable within 30 calendar days of the date of transmittal of award to parties.

This award is final and binding unless modified or vacated by a master arbitrator. Insurance Department Regulation No. 68 (11 NYCRR 65-4.10) contains time limits and grounds upon which this award may be appealed to a master arbitrator. An appeal to a master arbitrator must be made within 21 days after the mailing of this award. All insurers have copies of the regulation. Applicants may obtain a copy from the Insurance Department.

ELECTRONIC SIGNATURE

Document Name: Final Award Form

Unique Modria Document ID:

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Electronically Signed

Your name: Mary Anne Theiss
Signed on: 08/24/2020