

American Arbitration Association
New York No-Fault Arbitration Tribunal

In the Matter of the Arbitration between:

Brownsville Chiropractic PC
(Applicant)

- and -

Allstate Insurance Company
(Respondent)

AAA Case No. 17-20-1155-3745

Applicant's File No. 127.110

Insurer's Claim File No. 0486434517

NAIC No. 29688

ARBITRATION AWARD

I, Pamela Hirschhorn, 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: Injured Person

1. Hearing(s) held on 09/10/2021
Declared closed by the arbitrator on 09/10/2021

Constance Roland, Esq. from Tsirelman Law Firm PLLC participated for the Applicant

Theda Browdy, Esq. from Law Offices Of Karen L. Lawrence participated for the Respondent

2. The amount claimed in the Arbitration Request, **\$ 2,455.00**, 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

The injured person was a 33-year-old male involved in the subject motor vehicle accident of December 27, 2017. The claim for services rendered July 2, 2018, was not paid or denied. Respondent maintains that the bill was not received. The issue to be decided is whether applicant established its prima facie entitlement to no-fault benefits.

4. Findings, Conclusions, and Basis Therefor

The injured person was a 33-year-old male involved in the subject motor vehicle accident of December 27, 2017. The claim for services rendered July 2, 2018, was not denied. Respondent's submission references that the bill was not received as it was sent to P.O. Box 1800, Corona, California 92878, which is not a proper address for Allstate Insurance. Respondent's submission references that the proper address for Allstate Insurance is P.O. Box 2874 Clinton IA 52733. Respondent's submission references that since the bill was not received, it was not paid or denied.

Accordingly, this arbitrator finds that applicant failed to establish its prima facie entitlement to first party no-fault benefits as proof of claim was not mailed to a proper address for Allstate Insurance. See, *Viviane Etienne Med. Care v. Country-Wide Ins. Co.*, 25 NY3d 498 (2015).

DECISION: THE CLAIM IS DENIED IN ITS ENTIRETY.

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 Nassau

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

09/14/2021
(Dated)

Pamela Hirschhorn

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:
934ce19a7a1a124e1d8db17502d7502b

Electronically Signed

Your name: Pamela Hirschhorn
Signed on: 09/14/2021