

American Arbitration Association  
New York No-Fault Arbitration Tribunal

In the Matter of the Arbitration between:

North Shore LIJ Medical PC  
(Applicant)

- and -

Ace American Insurance Company  
(Respondent)

AAA Case No.	17-23-1301-1508
Applicant's File No.	RFA23-317867
Insurer's Claim File No.	1M01M011112782
NAIC No.	22667

**ARBITRATION AWARD**

I, Lisa Capruso, 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: Assignor

1. Hearing(s) held on 07/24/2024  
Declared closed by the arbitrator on 07/24/2024

Alex Mun, Esq. from The Russell Friedman Law Group LLP participated virtually for the Applicant

Desiree Ortiz, Esq. from Robyn M. Brilliant, P.C. participated virtually for the Respondent

2. The amount claimed in the Arbitration Request, **\$280.26**, 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

Applicant seeks reimbursement for hospital services rendered to the Assignor, a 20-month-old male, on 8/9/19 and 8/10/19, after an accident of 8/9/19.

Respondent argued that the bill was not received by the Respondent.

4. Findings, Conclusions, and Basis Therefor

Applicant submitted a claim to the respondent for hospital services rendered to the Assignor after an automobile accident that occurred on 8/9/19. In dispute are dates of service 8/9/19 and 8/10/19.

Respondent argued that the bill was not received by the Respondent. In support of the defense, Respondent submitted an Affirmation from a No Fault Adjuster indicating that the vehicle was a rental vehicle insured by ACE. Respondent's adjuster indicated that the bill was mailed to Hertz Claims at P.O. Box 719, Park Ridge, NJ 07656. This is not the correct address for the Respondent. The third-party administrator for Ace American Ins. Co. is ESIS with a mailing address of P.O. Box 6562, Scranton, PA 18505.

The Applicant has not submitted any proof of mailing for this bill. Furthermore, as noted the above, the injured party was a 20-month-old child and Applicant has not submitted an Assignment of Benefits executed by the parent or guardian. Based on the evidence submitted, I find that the Applicant has not demonstrated that this bill was submitted to the Respondent and furthermore, in the absence of a properly executed Assignment of Benefits, the Applicant lacks standing.

Accordingly, the Applicant's claim is denied.

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 NY

SS :

County of Suffolk

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

07/29/2024  
(Dated)

Lisa Capruso

### **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:**  
55d465b44448799648c118e47ee09c2c

### Electronically Signed

Your name: Lisa Capruso  
Signed on: 07/29/2024