

American Arbitration Association
New York No-Fault Arbitration Tribunal

In the Matter of the Arbitration between:

AR Rehab PT PC
(Applicant)

- and -

Hallmark Insurance Company
(Respondent)

AAA Case No. 17-24-1353-8556

Applicant's File No. GM22-563773

Insurer's Claim File No. HALL03088D3

NAIC No.

ARBITRATION AWARD

I, Anne Malone, 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: EIP

1. Hearing(s) held on 12/23/2024
Declared closed by the arbitrator on 12/23/2024

John Fagan, Esq. from Law Offices of Gabriel & Moroff, P.C. participated virtually for the Applicant

no appearance from Sedgwick Claims Mgmt. Services failed to appear for the Respondent

2. The amount claimed in the Arbitration Request, **\$2,998.26**, 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

The 38 year old EIP reported involvement in a motor vehicle accident on February 10, 2022; claimed related injury and underwent an office visit and physical therapy treatment provided by the applicant from February 28, 2022 to June 20, 2022.

The applicant also billed \$15.00 for PPE services/supplies on each date of service.

The applicant submitted a claim for these medical services. The respondent did not submit any documentation including a denial of payment for this claim and no one on its behalf appeared at the hearing.

The issues to be determined at the hearing are:

Whether the respondent is the correct party in this matter.

Whether the correct party can be identified and is able provide a defense to this claim.

4. Findings, Conclusions, and Basis Therefor

This decision is based upon the documents reviewed in the Modria File as well as the arguments made by counsel and/or representative at the arbitration hearing. Only the arguments presented at the hearing are preserved in this decision; all other arguments not presented at the hearing are considered waived.

It is well settled that an applicant establishes its *prima facie* showing of entitlement to No-Fault benefits by submitting evidentiary proof that the prescribed statutory billing forms had been mailed, received by the respondent and that payment of no fault benefits were overdue. See Mary Immaculate Hospital v. Allstate Insurance Company, 5 A.D. 3d 742, 774 N.Y.S.2d 564 (2d Dept. 2004.)

I find that applicant established its *prima facie* case of entitlement to no-fault compensation for its claim. The burden then shifts to the respondent to prove that the bills in question were properly denied.

The respondent did not provide any submissions and no one on its behalf appeared at the hearing.

I contacted Arbitration Support on the day of the hearing when there was no appearance by the respondent. I was advised that David Hollerbach from Arbitration Support contacted Sedgwick Claims Management Services in an attempt to identify this claim. However, although it appears that an adjuster, Wanda Norris, was assigned to this claim she was unavailable. The person to whom Mr. Hollerbach spoke did not have any claim number or policy number associated with this claim and it appears that neither Sedgwick Claims Management nor Hallmark Insurance Company received notice of this hearing.

Based on this information, it appears that Hallmark Insurance Company may not be the correct respondent.

Accordingly, the claim is dismissed without prejudice to allow the applicant to identify the correct insurer and commence an action against the proper party.

Any further issues submitted in the record are held to be moot and/or waived insofar as they were not raised at the time of this hearing. This decision is in full disposition of all claims for no-fault benefits presently before this Arbitrator.

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 DISMISSED without prejudice

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

State of CT

SS :

County of Fairfield

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

01/16/2025
(Dated)

Anne Malone

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:
1ab9aa04e55bed99c0cc6a43aediae9fb

Electronically Signed

Your name: Anne Malone
Signed on: 01/16/2025