

American Arbitration Association
New York No-Fault Arbitration Tribunal

In the Matter of the Arbitration between:

Atlantic Medical & Diagnostic PC
(Applicant)

- and -

State Farm Mutual Automobile Insurance
Company
(Respondent)

AAA Case No. 17-24-1352-3176

Applicant's File No. ACT24-181014

Insurer's Claim File No. 11-64X1-76R

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 01/06/2025
Declared closed by the arbitrator on 01/06/2025

Jared Mallimo, Esq. from The Licatesi Law Group, LLP participated virtually for the Applicant

Jason Egielski, Esq. from Sarah C. Varghese & Associates participated virtually for the Respondent

2. The amount claimed in the Arbitration Request, **\$2,864.07**, was AMENDED and permitted by the arbitrator at the oral hearing.

The amount claimed was amended by the applicant to \$2,160.88 to conform to the appropriate fee schedule.

Stipulations WERE NOT made by the parties regarding the issues to be determined.

3. Summary of Issues in Dispute

The 34 year old EIP reported involvement in a motor vehicle accident on March 20, 2024; claimed related injury and underwent an office visit and trigger point injection with guidance provided by the applicant on March 25, 2024.

The applicant submitted a claim for these medical services. The respondent contends that it did not provide New York no-fault coverage for the EIP or the vehicle involved in the subject accident on the date of this loss or at any other time.

The issue to be determined at this hearing is whether the respondent provided no fault coverage for the subject accident.

4. Findings, Conclusions, and Basis Therefor

This hearing was held on Zoom and the 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.

The respondent contends that it did not provide coverage for the EIP, the vehicle allegedly involved in the subject accident or at any other time.

To support this contention, the respondent provided an affidavit from Jennifer Kika, an Underwriter employed by the respondent who attested to conducting a computer search which confirmed that State Farm never provided insurance coverage for the subject vehicle or for the EIP at any time.

In addition, the respondent submitted an ISO Claim Search which did not identify State Farm as providing insurance coverage for the vehicle allegedly involved in the subject accident. A DMV search by State Farm identified the EIP as being involved in a motor vehicle accident on March 20, 2024 with insurance provided by MVAIC.

The applicant submitted a recorded statement from Lakeisha Murphy, who described details of a motor vehicle accident in which she was allegedly involved on March 20, 2024. The statement did not identify the vehicle that she was operating or any vehicle allegedly involved in this accident. Ms. Murphy indicated that although the police arrived at the scene of the accident, she did not have a copy of a police report and said that the police told her none would be available since no one was injured.

She stated that another vehicle, which she did not identify, operated by a man in a vehicle with passengers came into contact with her vehicle at an intersection.

Based on the foregoing, the applicant failed to establish that any vehicle insured by State Farm was involved in the subject accident.

Under these circumstances, the respondent has established its coverage defense.

Accordingly, the claim is dismissed without prejudice to allow the applicant to bring this action against the correct 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.

01/21/2025
(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:
dbd345c117bcde58c4a52f9ec3b497bd

Electronically Signed

Your name: Anne Malone
Signed on: 01/21/2025