

American Arbitration Association
New York No-Fault Arbitration Tribunal

In the Matter of the Arbitration between:

Medalliance Medical Health Services
(Applicant)

- and -

American Transit Insurance Company
(Respondent)

AAA Case No. 17-24-1368-8587

Applicant's File No. 3347023

Insurer's Claim File No. 113058402

NAIC No. 16616

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 05/12/2025
Declared closed by the arbitrator on 05/12/2025

Justin Skaferowsky, Esq. from Israel Purdy, LLP participated virtually for the Applicant

Dimitry Dykman from American Transit Insurance Company participated virtually for the Respondent

2. The amount claimed in the Arbitration Request, **\$543.80**, 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 30 year old EIP reported involvement in a motor vehicle accident on May 14, 2023; claimed related injury and underwent office visits and physical therapy treatment provided by the applicant from August 31, 2023 to November 29, 2023.

The applicant submitted a claim for these medical services, payment of which was delayed by the respondent to obtain additional information regarding the type of vehicle which the EIP was driving at the time of the subject accident.

The issues to be determined at the hearing is whether the claim is premature.

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 submitted requests to the applicant, its attorneys and the EIP for documents and information related to the subject accident to determine if there was coverage for this accident under the policy of insurance issued by the respondent.

In the instant matter, the applicant responded to the requests by stating that it was not in possession or control of the information/documents requested.

The police report indicates that the vehicle on which the EIP was riding was "an unregistered gas-powered scooter."

There was no response from the EIP, who would have access to the information requested.

Under these circumstances, the claim is premature, pending a response to the request for information regarding the EIP's vehicle.

Accordingly, the claim is dismissed without prejudice.

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.

06/09/2025
(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:
22b958bf63873d0496be8ccb596b9c97

Electronically Signed

Your name: Anne Malone
Signed on: 06/09/2025