

American Arbitration Association
New York No-Fault Arbitration Tribunal

In the Matter of the Arbitration between:

Jamaica Supplies 1 Inc
(Applicant)

- and -

MVAIC
(Respondent)

AAA Case No. 17-24-1359-9559

Applicant's File No. LIP-39107

Insurer's Claim File No. 712623

NAIC No. Self-Insured

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 06/20/2025
Declared closed by the arbitrator on 06/20/2025

Usman Nawaz, Esq. from Law Offices of Ilya E Parnas P.C. participated virtually for
the Applicant

Craig Marshall, Esq. from Marshall & Marshall, Esqs. participated virtually for the
Respondent

2. The amount claimed in the Arbitration Request, **\$2,633.72**, 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 21 year old EIP reported involvement in a motor vehicle accident on November 22, 2023; claimed related injury and received various items of durable medical equipment provided by the applicant on February 25, 2024.

The applicant submitted a claim for this durable medical equipment (DME). The claim is delayed pending resolution of the issue of whether the applicant, a New York resident who was a passenger in a vehicle registered in New Jersey has standing to bring this claim in New York at this time and for the EIP to respond to requests for documents/information to verify whether he is entitled to coverage provided by the respondent.

The issues to be determined at this hearing are:

Whether the applicant has standing to bring this action in this forum in New York at this time.

Whether the respondent has established that 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.

Jurisdiction/Venue/Standing

The respondent contends that New York is not the proper venue for the claim at issue because it involves a vehicle registered in New Jersey in which the EIP was a passenger. According to the NF-3, the EIP was a New York resident and the DME at issue was provided by the applicant in New York.

The submissions establish that the subject vehicle was registered in New Jersey to a New Jersey resident. The submissions do not contain any information regarding any insurance provided for this vehicle.

Outstanding verification

To verify entitlement to coverage for this claim by the respondent, requests were made for documents/information which includes a notarized household affidavit, proof of residency in New York, written verifiable confirmation of insurance or lack of insurance, proof that accident was timely report to police/peace officer and complete medical records.

After a review of the evidence submitted, I find that this claim must be submitted in New Jersey for initial resolution and that the applicant does not have standing to bring this action in New York at this time.

In addition, the applicant/EIP must submit the required documents/information to verify entitlement to coverage by this respondent.

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.

06/21/2025
(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:
32b9c12278fc271782c6df70ea1c9ca5

Electronically Signed

Your name: Anne Malone
Signed on: 06/21/2025