

American Arbitration Association
New York No-Fault Arbitration Tribunal

In the Matter of the Arbitration between:

Garden Medical Care, PC
(Applicant)

- and -

Ace American Insurance Company
(Respondent)

AAA Case No. 17-24-1378-1824
Applicant's File No. 3138919
Insurer's Claim File No. 1T02T0232078566
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 02/23/2026, 04/13/2026
Declared closed by the arbitrator on 04/13/2026

Melissa Scotti, Esq. from Law Offices Of Andrew J Costella Jr., Esq., PC participated virtually for the Applicant

Mary Claire from Esis, Inc. participated virtually for the Respondent

2. The amount claimed in the Arbitration Request, **\$700.39**, 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 41 year old EIP reported involvement in a motor vehicle accident on November 5, 2022; claimed related injury and underwent Shockwave therapy provided by the applicant on May 24, 2023.

The applicant submitted a claim for these medical services. A hearing was initially scheduled on February 23, 2026. At that time the respondent had not made any submissions and no one on its behalf appeared at the hearing.

I contacted AAA support to attempt to contact the respondent but there was no response.

Therefore, I requested that the hearing be rescheduled and the parties were notified that it would be held on April 13, 2026.

The respondent submitted documents on February 24, 2026.

The issue to be determined at the hearing is whether the respondent submitted sufficient evidence to support a defense of this matter.

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.

A hearing was held on April 13, 2026 and prior to that date, on February 24, 2026, the respondent submitted some documents.

However, the documents submitted were not related to the subject claim.

Therefore, the parties agreed that this claim should be dismissed without prejudice to allow the respondent an opportunity to submit proper documentation to defend this matter.

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.

04/26/2026
(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:
c13357090a3f70bed39c9067edd285fb

Electronically Signed

Your name: Anne Malone
Signed on: 04/26/2026