

American Arbitration Association
New York No-Fault Arbitration Tribunal

In the Matter of the Arbitration between:

Sedation Vacation Perioperative Medicine
PLLC
(Applicant)

- and -

New York City Transit Authority
(Respondent)

AAA Case No.	17-25-1420-6654
Applicant's File No.	25-20020
Insurer's Claim File No.	BU202401280004002
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 06/08/2026
Declared closed by the arbitrator on 06/08/2026

Vijay Gupta, Esq. from The Law Office of Thomas Tona, PC participated virtually for the Applicant

Janene Congro, Esq. from Gottlieb Ostrager LLP participated virtually for the Respondent

2. The amount claimed in the Arbitration Request, **\$913.12**, 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 77 year old EIP reported involvement in a motor vehicle accident on January 28, 2024; claimed related injury and underwent anesthesia services provided by the applicant on January 16, 2025.

The applicant submitted a claim for these medical services, for which payment in full for each date of service was made by the respondent pursuant to the New York Workers' Compensation Medical Fee Schedule. The payment was made on October 20, 2025. The applicant filed this claim for arbitration on September 29, 2025.

The issues to be determined at the hearing are:

Whether the denials were timely and proper.

Whether the applicant is entitled to additional interest for the bills at issue.

4. Findings, Conclusions, and Basis Therefor

The hearing was held on Zoom and 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.

Timeliness of Denials

Based on the submissions, the bill at issue was dated January 27, 2025 and was received by the respondent on February 10, 2025. The denial is dated October 20, 2025. The bills were paid in full, pursuant to the applicable fee schedule on October 20, 2025.

Under these circumstances, the applicant is entitled to interest from 30 days after the bill was received until October 230, 2025 when the bill was paid.

Based on the foregoing, the applicant is entitled to additional interest calculated from 30 days from the March 10, 2025 until October 20, 2025.

The applicant is also entitled to filing fees.

Accordingly, the applicant will be awarded interest calculated from March 10, 2025 to October 20, 2025 and the remainder of the claim is dismissed with 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 applicant is AWARDED interest only

A. Attorney's Fees

The insurer shall also pay the applicant for attorney's fees as set forth below

Applicant is awarded statutory attorney's fees pursuant to the no fault regulations. For cases filed after February 4, 2015 the attorney's fee shall be calculated as follows: 20% of the amount of first-party benefits awarded, plus interest thereon subject to no minimum fee and a maximum of \$1,360.00. See 11 NYCRR §65-4.6(d.)

- B.** The respondent shall also pay the applicant forty dollars (\$40) to reimburse the applicant for the fee paid to the Designated Organization, unless the fee was previously returned pursuant to an earlier award.

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.

06/09/2026
(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:
b6974765871df6af0631a89750403b8d

Electronically Signed

Your name: Anne Malone
Signed on: 06/09/2026