

American Arbitration Association
New York No-Fault Arbitration Tribunal

In the Matter of the Arbitration between:

Recovery X Inc
(Applicant)

- and -

Allstate Fire & Casualty Insurance Company
(Respondent)

AAA Case No. 17-26-1446-5673

Applicant's File No. M25-123393

Insurer's Claim File No. 0807355011

NAIC No. 29688

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 08/24/2026
Declared closed by the arbitrator on 08/24/2026

Candace Kronholm, Esq. from Shapiro & Associates, P.C. participated virtually for the Applicant

Anisah Molic, Esq. from Law Offices Of Richard Schoenberg participated virtually for the Respondent

2. The amount claimed in the Arbitration Request, **\$1,800.00**, 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 25 year old EIP reported involvement in a motor vehicle accident on September 30, 2025; reported injury and received a shoulder orthosis and infrared heating pad system provided by the applicant on November 11, 2025.

The applicant submitted a claim for this durable medical equipment (DME), payment of which was initially delayed pending response to outstanding verification requests and was subsequently denied due to exhaustion of benefits.

The issue to be determined at the hearing is whether the respondent established that attorney's fee, interest and filing fees are not payable for this claim.

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 applicant's submissions include responses to the verification requested dated January 22, 2026 and February 12, 2026.

The demand for arbitration was filed on March 12, 2026. The PIP log documents payments for medical services from October 29, 2025 to April 6, 2026.

The applicant asserts that this claim should have been processed once the verification requested was received.

The parties do not dispute that the policy which provided no fault benefit for this claim was exhausted. In fact, the real issue here is whether payment of attorney's fees, interest and filing fees is warranted in this instance.

Even assuming arguendo that the claim was overdue, 11 N.Y.C.R.R. §65-4.59(s)(1)(2)(3) states in pertinent part: "[i]n the event that the applicant prevails in whole or in part of the claim" the insurer shall reimburse the applicant for the filing fee paid, reasonable attorney's fees and interest.

In the instant matter, the applicant did not "prevail in whole or in part" of this claim. The regulation above states that interest is computed commencing 30 days after proof of claim was received ending with the date of payment of the award.

Based on the foregoing, the applicant is entitled to attorney's fees, interest and filing fees from February 21, 2025 to March 5, 2026.

Accordingly, the applicant is awarded interest, attorney's fees and filing fees as stated above.

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.)

The applicant is awarded interest and attorney's fees from February 21, 2026 to March 5, 2026.

- 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.

09/06/2026
(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:
6e9c6554b2b1f25abcecb0b23b867f9e

Electronically Signed

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