



NY No-Fault Frequently Asked Questions

When can I file a request for No-Fault arbitration?

If you are the injured party of an automobile accident or the medical service provider providing treatment to the injured party, you can request arbitration when a claim or a portion of a claim for New York No-Fault claim is denied by the insurer. A request for arbitration can also be made when an insurer's response to a claim is overdue.

What are the forms with which to file a request for arbitration?

There are two forms you can use to request arbitration:

You can complete the second and third page of the Denial of Claim on Form NF-10 that you received from the No-Fault Insurance Company.

Or, you can complete [Form AR, The Request for New York No-Fault Arbitration](#). This form can be mailed or faxed to you by calling (917) 438-1500, or you can use the form provided on this website, in the Forms section. You can fill out the form on your computer screen and then print it out, to be sent to AAA. Be sure to fill out the form completely and to include all your supporting documents. Your request must also include payment of a \$40 filing fee.

What should I include with my arbitration request?

All information requested on the Form AR or the NF-10 is vital to the processing of the case. As a result, we will accept only those cases in which the Form AR or NF-10 is filled out completely.

All your evidence and written arguments, including any document supporting your contention, such as medical bills, police report, and affidavits must be submitted with your arbitration request. Medical service providers requesting arbitration must include an assignment of benefits signed by the patient. (Please see assignment of benefits section below.)

The arbitration request must be accompanied by a check or money order for \$40 payable to the American Arbitration Association® (AAA®). Credit Card Payment Service is also available for use. NYSI Credit Card Payment Service is available 24 hours a day, seven days a week. In addition to convenient 24/7 accessibility, the new payment service will provide better security in handling your sensitive information. This new payment process will allow customers to securely submit credit card payments at their convenience. **AAA will no longer accept credit card authorization forms (fax, phone, or email) for credit card payments.**

This filing fee will be reimbursed to the applicant directly by the insurer, if the applicant prevails in whole or in part.



How do I file a request for arbitration?

You may file your request for arbitration either by mail, or electronically by email. Per New York No-Fault Regulation it is important to remember when filing a case that regardless of the method used to file a case, you must serve the carrier with a copy of the arbitration request at the time of filing.

Filing a case electronically by email requires that you first register with the AAA. Activation of a bulk filing payment account is also required for all electronic filing options. Email filings must contain one attachment with all supporting documents included. To register, please contact our Customer Service department at (917) 438-1660 or by email at nysinsurance@adr.org.

What is the role of the American Arbitration Association?

The American Arbitration Association administers the program for arbitration of No-Fault disputes in New York, on behalf of the New York State Department of Financial Services. The program serves consumers, health service providers, and insurance carriers in New York by providing a forum for the speedy resolution of disputes concerning claims for benefits under No-Fault automobile insurance.

The AAA has administered No-Fault programs in New York for over 30 years. The AAA is a not-for-profit, public service organization committed to the resolution of disputes through arbitration, mediation, conciliation and other voluntary procedures. The AAA handles administration of all phases of the conciliation and arbitration process in New York.

Who are the arbitrators?

The New York State Superintendent of Insurance appoints all arbitrators, after nomination by an advisory committee and after a determination that the arbitrator candidates are well qualified and will serve in an unbiased manner. The arbitrators are all attorneys who have experience in the field of insurance disputes. They have each been reviewed, interviewed, and nominated by an advisory committee that consists of attorneys for applicants for benefits, and representatives of insurance companies.

What is "Conciliation?"

Pursuant to the system established by the New York Insurance Department in its regulations, a request for arbitration goes through two phases. The first phase is a conciliation phase, in which each party submits all their evidence. After receiving notice from the AAA of a new request for arbitration and a copy of the papers from the applicant, the insurance company has thirty (30) days to present its own evidence and its basis for denial of the claim.

Once the documents have been received, there is a conciliation period of up to ninety (90) days, during which a conciliator reviews the evidence and discusses with the parties—by email, fax, letter or separate phone conversations—whether the case might be settled at this early stage. The conciliator is experienced in the handling of disputed insurance claims and can recommend to the parties what might be the likely results of the claim when it reaches arbitration. The



conciliation process is not a numbers game of splitting the difference. Conciliation is addressed to the merits of the evidence and the claim.

Conciliation has proven an economical means to reach early resolutions of many disputes.

In 2016, our staff processed 290,486 new filings representing a 17% increase over the previous year. In conciliation, the number of resolutions rose 18% over 2016 to close at 123,009 cases. The settlement rate in conciliation remained strong at 45%, with the average case settling within one month of filing. If a case cannot be settled at this phase, it is referred for arbitration.

What is the role of the Conciliator?

The role of a conciliator is to bring parties together with the intention to resolve the No-Fault claim disputes. When two opposing sides (Applicant & Respondent) are unable to resolve No Fault claim disputes AAA offers Conciliation as an alternative to the court system.

Can an injured person who is filing a claim directly receive expedited handling?

Arbitration requests filed directly by the injured person—including claims for lost earnings—are given expedited, priority handling.

Claims brought directly by the injured person constituted only .34% of the filings in 2016. The other 99.6% of the filings were made by health service providers who obtained an assignment of benefits from the injured person in payment for their services. Since the case of the injured person who files directly for arbitration does not involve an assignment of benefits, it is often called a “non-assignee case.”

The injured person’s “non-assignee case” goes through a conciliation period like other cases, with particular attention to whether it might be settled at that early phase. If it is not settled, the case is then referred for arbitration and promptly placed on an arbitrator’s calendar with sufficient advance notice of hearing to the parties. It is sometimes necessary for the arbitrator to continue a case beyond its first hearing date to obtain all necessary information to reach a fair result.

What is an assignment of benefits?

The New York State No-Fault system provides for certain benefits to qualified persons injured in automobile accidents. An assignment of benefits form, signed by the patient, transfers the benefits and responsibilities that are associated with the No-Fault claim from the injured person to the health service provider. Two of the most important benefits are the right to receive payment directly from the insurer and the right to proceed with arbitration in the event the insurer denies the claim.

Example: An injured party visits a doctor to receive treatment for injuries sustained in an automobile accident. The doctor has the injured person sign an assignment of benefits and treats the person. The doctor submits the bill for services



rendered to the injured party along with the assignment of benefits form to the insurance carrier with a request for payment. If the No-Fault carrier denies the doctor's request for payment, the doctor may file a request for No-Fault arbitration and must include the properly signed assignment of benefits with that request.

How do I execute a valid assignment of benefits?

A valid assignment of benefits transfers all rights, privileges and remedies from the injured person who is entitled to New York No-Fault benefits, to the medical service provider.

The assignment of benefits form must be signed by the injured party (or a parent or guardian if the injured party is a minor). Photocopied signatures are acceptable at the initiation of the arbitration process; however, the original assignment of benefits should be available to the applicant for presentation to the carrier if requested.

The assignment of benefits form must also include the original signature or a copy of the original signature (stamped signatures are not acceptable) of the applicant health service provider.

What is special expedited arbitration?

If the insurer denied your claim on the grounds that the notice of the accident to the insurer was made late (beyond the required timeframe for such notice), you may qualify for special expedited arbitration on the issue of whether there is a reasonable explanation that will excuse the lateness.

Also, if your dispute includes an issue as to which insurance company is responsible to review and pay No-Fault benefits, you may qualify for special expedited arbitration on the issue of which insurer is responsible.

A case qualifying for special expedited arbitration will be scheduled within 30 days from the day it is referred to arbitration.

Do I need a lawyer to request a New York No-Fault arbitration?

No. The arbitration program is designed to be an easy to use system where parties can resolve their disputes outside the complex environment of the court system and there is no requirement that you retain an attorney.

However, we suggest that parties who are not familiar with New York No-Fault rules and regulations may wish to retain an attorney.

If you require assistance in hiring an attorney, please contact the New York State Bar Association by calling (800) 342-3661 or [click here](#) to visit their website.



Is there a deadline for requesting New York No-Fault arbitration?

The usual deadline for requesting New York No-Fault arbitration is six years from the date of the denial of claim, but there can be exceptions. The arbitrator has the authority to determine disputes concerning time limitations for filing arbitration.

Can I request arbitration against more than one insurance company?

Yes. If the issue pertaining to your dispute involves multiple insurance companies, you may include more than one insurance company on your request. Note the availability of special expedited arbitration, above, for such disputes.

Are the parties allowed to communicate with each other after a dispute has been filed for arbitration?

Yes. Once an arbitration request is accepted, it is referred to a conciliator who will act as the liaison for the parties in dispute. Communication is not limited to the conciliator. We encourage parties to engage in dialogue in the interest of settling the dispute before and during the arbitration process. The assigned conciliator is available to assist parties in resolving their disputes by phone, email and mail communication.

If a dispute is resolved between the parties, the terms of the settlement must be submitted to the assigned conciliator. Always reference the AAA case number when corresponding with the conciliator.

What are "linking" and "batching" of cases?

Linking and batching are the fundamental principles for creating each arbitrator's calendar of cases. This manner of scheduling is very often a convenience for the parties too. They can appear at one arbitrator's office for several of their cases on the same day. Linking and batching are implemented through the AAA's technological processes, drawing from the computerized database of information about pending cases.

Linking is an important fact-finding tool that brings together cases that have elements of proof in common, to be heard together. Linking brings together, when available at the time of scheduling cases, those cases that arise out of the same vehicle in the same accident, for hearings before the same arbitrator on the same day. For example, a neurologist's claim and a physical therapist's claim for treating the same injured person can be linked for hearing. Or, the bills for two different persons who were each injured in the same automobile in the same accident can be linked for hearing. These cases will often have elements of proof in common. Cases are scheduled as soon as they become available for hearings, immediately after the conciliation process. Therefore, cases arising out of the same vehicle and accident may be scheduled on different dates before different arbitrators when the cases are filed at different times. However, any awards in linked cases arising out of the same vehicle and accident are identified and available online to the arbitrator and the parties, to consolidate the common information and the prior findings.

Batching brings together cases involving the same applicant attorney and same insurance carrier, but different injured persons from different accidents, for hearings before the same arbitrator on the same day. Such cases may involve common elements of proof. Their scheduling for the same arbitrator is also a convenience for the parties.



What happens once I attend the hearing and the Arbitrator declares the hearing closed?

When the arbitrator declares the hearing closed, nothing more can be submitted for the case. The Arbitrator has 30 days from the closing date to render and send in the award.

What is a technical correction?

An arbitrator may make a technical correction to an award, upon the arbitrator's own motion or upon the request of a party. Technical corrections include corrections of inconsistencies between the written text and form responses, incorrectly checked or unchecked boxes on award forms, arithmetic errors and typographical errors.

A party must request a technical correction within the time limit of thirty (30) days after receipt of the award and must send a copy of the request to the opposing party, which then has ten (10) days in which to file its position on the request. The arbitrator makes the determination and, if granting the request, may issue a technical correction of award.

The request for a technical correction does not toll the timeframe within which an appeal must be filed, nor within which interest accrues or any other regulatory timeframe.

How do I file an appeal of a No-Fault Arbitrator's award?

- (1) If grounds exist, any party to arbitration may request that the arbitration award be vacated or modified by a master arbitrator.
- (2) The request for review by a master arbitrator shall be in writing and shall be mailed or delivered to the American Arbitration Association office, 32 Old Slip, 33rd Floor, New York, NY 10005.
 - (i) Within fifteen (15) calendar days of the mailing of an award rendered in an AAA expedited arbitration, or
 - (ii) Within twenty-one (21) calendar days of the mailing of any other appealable award.
- (3) The request shall include a copy of the award in issue and shall state the nature of the dispute and the grounds for review.
 - (i) A request by an applicant for benefits shall be accompanied by a filing fee of \$75, payable by check or money order to the American Arbitration Association.
 - (ii) Upon the filing of a demand for arbitration by an applicant, the AAA shall bill the respondent insurer the sum of two hundred fifty dollars (\$250), which shall be payable by the insurer within thirty (30) days after billing.
 - (iii) A request by an insurer shall be accompanied by a filing fee of three hundred twenty-five dollars (\$325), payable by check or money order to the American Arbitration Association.
- (4) The applicant for master arbitration shall send, by certified mail, a copy of the filing papers to the opposing party at the same time that it submits the request for review to the AAA.



What is Award Search?

A library of redacted No-Fault and NY SUM awards are available online for any party that is interested in reviewing prior awards issued by the arbitrator panel. The No-Fault awards in this online library are searchable by arbitrator, by topic, by phrases of text, by date range and in other ways. The Award Search enables attorneys to conduct their own research on such questions as how a particular arbitrator has ruled previously on an issue that the attorneys may argue in their own upcoming cases before that arbitrator. It also enables attorneys to research the latest rulings by other arbitrators on an issue. The Award Search feature can be found on our ADR Center platform aaa-nynf.modria.com.

What do I do if I have received a favorable decision but have not received payment from the carrier?

The New York State Department of Financial Services wants to make sure that applicants and their attorneys are aware of the actions that the Department takes when insurers and self-insurers, as a result of any settlement during the arbitration process, fail to make payment within thirty (30) days of the date the agreement was mailed to the parties. Such a failure is a violation of NY Insurance Law, Section 5106. If a conciliation agreement, settlement letter or arbitration award is not paid in accordance with the above referenced time frame, an applicant or applicant's attorney may submit an enforcement request to the Insurance Department's Property Bureau.

Requests for enforcement should be directed to:

Hyman Silberstein, Senior Insurance Examiner
NYS Department of Financial Services
25 Beaver Street
New York, NY 10004
Phone: (212) 480-5652 or email: Hyman.Silberstein@DFS.NY.GOV

What does it mean for an Arbitrator to be "Paperless"?

The arbitrators no longer receive paper documents or correspondence from the AAA or their respective case managers. The arbitrators will access and review parties' documents online using our ADR Center platform.

Parties may continue to rely upon paper documents if they so choose, but we encourage parties to also operate in a paperless manner utilizing our technology platform, ADR Center.



AAA Schedule

In our ongoing efforts to keep our customers well informed, we would like to take this opportunity to share our upcoming 2018 Holiday and Early Closing schedule with you.

AAA offices will be closed for business on the following days:

- New Year's Day – Monday, January 1st
- Martin Luther King Day – Monday, January 15th
- President's Day – Monday, February 19th
- Memorial Day – Monday, May 28th
- Independence Day – Wednesday, July 4th
- Labor Day – Monday, September 3rd
- Thanksgiving Day – Thursday, November 22nd
- Day after Thanksgiving – Friday, November 23rd
- Day before Christmas – Monday, December 24th
- Christmas Day – Tuesday, December 25th

Early Closings:

- 1:00 pm Friday, May 25th
- 1:00 pm Friday, August 31st
- 1:00 pm Wednesday, November 21st
- 1:00 pm Monday, December 31st

Postponements and Adjournments

65-4.5 No-Fault Arbitration Forum Procedure:

- (j) Postponements and adjournments. The arbitrator may for good cause postpone or adjourn the hearing upon request of a party or upon the arbitrator's own initiative. Each party may cause one adjournment without the payment of an adjournment fee, if the adjournment request is received by the designated organization at least two business days prior to the scheduled arbitration. There shall be an adjournment fee of \$50 payable to the designated organization by the party requesting any subsequent adjournment. An adjournment fee of one hundred dollars (\$100) shall be payable to the designated organization by the party causing any adjournment within two (2) business days prior to the scheduled hearing. Such fees shall be used to defray the cost of administration of the arbitration forum.



Any party requesting an adjournment must pay the appropriate adjournment fee. **The AAA will not place a case back on the arbitration calendar until the Applicant has paid any outstanding adjournment fee. Insurance carriers with outstanding balances in excess of thirty (30) days will be referred to the NYSDFS.**

ADJOURNMENT REQUEST MADE ON OR PRIOR TO:	TWO FULL BUSINESS DAYS	HEARING DAY
Wednesday	Thursday, Friday	Monday
Thursday	Friday, Monday	Tuesday
Friday	Monday, Tuesday	Wednesday
Monday	Tuesday, Wednesday	Thursday
Tuesday	Wednesday, Thursday	Friday

Credit Card Payments Changes

The AAA launched a new online New York State Insurance Credit Card Payment Service. Payment Service will be available 24 hours a day, seven days a week. In addition to convenient 24/7 accessibility, the new Payment Service will provide better security in handling your sensitive information. This new payment process will allow customers to securely submit credit card payments at their convenience.

The AAA will no longer accept credit card authorization forms (fax, phone, or email) for credit card payments.

American Arbitration Association (New Address)

The AAA New York Insurance Case Management center relocated on April 23rd, 2018. Our new office location and mailing address:

American Arbitration Association
New York Insurance Case Management Center
32 Old Slip, 33rd Floor
New York, NY 10005