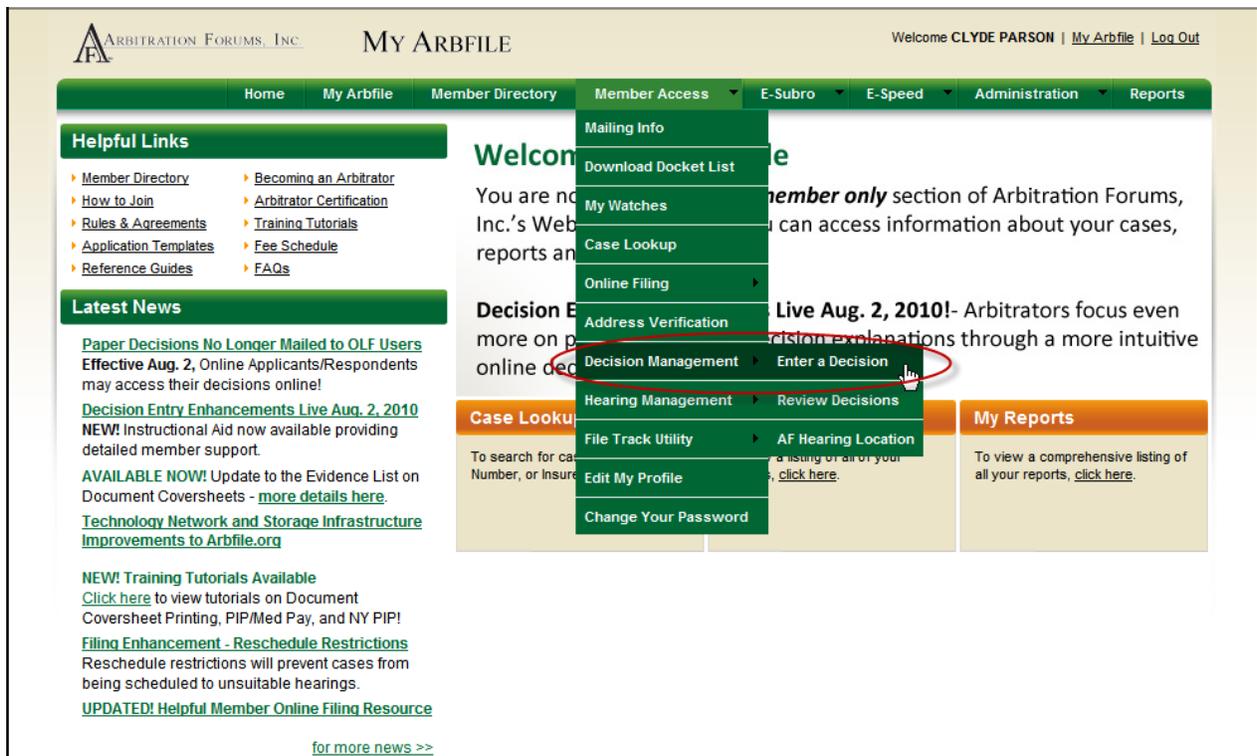


Online Decision Entry Process

Arbitration Forums, Inc. (AF) supports our member arbitrators by providing training resources that help them write quality decisions. This guide navigates the online decision entry process and provides example entries for each field.

You need an AF user ID and password to enter decisions online. If you have forgotten your password, go to AF's Web site (www.arbfile.org), click **Forgot Password**, enter your email address or user ID, and follow the prompts to receive a new case-sensitive password.

After you log in, click **Member Access**, then **Decision Management**, and then **Enter a Decision**.



The screenshot shows the 'MY ARBFILE' website interface. The user is logged in as CLYDE PARSON. The navigation menu includes Home, My Arbfile, Member Directory, Member Access, E-Subro, E-Speed, Administration, and Reports. The 'Member Access' dropdown menu is open, showing options like Mailing Info, Download Docket List, My Watches, Case Lookup, Online Filing, Address Verification, Decision Management, Hearing Management, File Track Utility, Edit My Profile, and Change Your Password. The 'Decision Management' option is highlighted, and its sub-menu is also open, showing 'Enter a Decision' as the selected option. The main content area displays a welcome message and a 'Live Aug. 2, 2010!' announcement.

Enter the information that appears on the screen as described below.

General Information	Case Information
Date Heard: 07/23/2010	Case Status: DEFERRED
Arbitrator 1:	Total Company Claim Amount: \$5,100.00 (Does not include deductible)
Arbitrator 2:	Hearing Type: AFFIRMATIVE DEFENSE
Arbitrator 3:	Hearing Date: Sep 14, 2010
Signed Decision Sheet?: Yes, this is a signed AF decision sheet	Deductible Paid By Insured: \$0.00
	Legal Fees Sought: \$0.00
	Staff Hearing: No

1. General Information

Date Heard: Enter the date that you heard the case using MM/DD/YYYY format. The default is the current date; change if needed. You can use the calendar icon to select the date.

Arbitrator 1: Your name will automatically populate based on your user ID and password. For three-person panels, click *Arbitrator 2*, type the arbitrator’s last name, click *Filter*, and then select the correct name from the available list. Repeat for Arbitrator 3.

2. Case Information

This information is pre-filled.

Affirmative Pleadings	
Affirmative Pleading Type	Affirmative Pleading Description
Joint and Several	The Applicant is raising Joint and Several Liability.

Administrative Requests	
Party	Administrative Request
Applicant - ALPHA INSURANCE CO	Please see the non-standard evidence (DVD) for arbitrator review. 3

Disputed Damages	
Respondent	Damage Dispute Description
Respondent 1	Per Rule 2-5, we are disputing the duplicate charge of \$100 on the Applicant's estimate.

3. Additional Case Information

Affirmative Pleadings, Administrative Requests, and Disputed Damages are shown in this area, if applicable.

Findings (for ADs and Defer Challenges)	
Affirmative Defense Findings	
Respondent 1	
Affirm. Defense Requested:	Respondent 1 raised an affirmative defense of type Claim amount within Liability Deductible/Self-Insured Retention with the following justification: <i>Claim amount within Liability Deductible/Self-Insured Retention</i>
Affirm. Defense Granted?	Yes 4
AD Upheld Reason	Policy does not cover loss or insured.
Explanation	Policy does not cover loss or insured. Beta Insurance provided a copy of their Declarations page, proving Alpha's company claim amount is within Beta's insured's Self-Insured Retention.

4. Affirmative Defense Findings

If an Affirmative Defense has been asserted, you will note your finding by selecting “Yes” if the Affirmative Defense is granted (i.e., it is valid and/or applicable) or “No” if it is not granted. You will also type in your rationale or explanation for your finding. Why was the Affirmative Defense upheld or denied? If the Affirmative Defense is upheld, you will be finished entering the decision, as arbitration lacks jurisdiction over the matter and the docket will be withdrawn. If the Affirmative Defense is denied, you will continue to enter your decision.

Deferment Request Findings

Deferment Information: Respondent 1 requested a deferment with the following justification: *'Requesting deferment for the purposes of submitting further evidence.'*
 Deferment request *automatically* challenged.

Deferment Granted? No

Explanation
 Beta's deferment request is denied. No proof was submitted that demonstrated a need for the deferment.

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5. Deferment Findings

If a deferment has been requested or the request challenged, you will note your finding on the deferment request by selecting “Yes” if the deferment is granted or “No” if it is not. You will also type your rationale or explanation for your finding. Why was the deferment request granted or not? If the deferment is granted, you will be finished entering the decision, and the case will be deferred for one year from the date of filing. If the deferment is denied, you will continue to enter your decision.

Arbitrator(s) considered the following when rendering the decision (Hearing Representation Information)

Applicant - ALPHA INSURANCE OF FLORIDA
 Hearing Representation Application Contentions All Listed Evidence Received Personal Appearance

Respondent 1 - BETA INSURANCE OF COLORADO
 Hearing Representation Response Contentions All Listed Evidence Received Personal Appearance No Answer

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6. Hearing Representation

Click each box that applies for each party.

Click *Application* or *Response* if there is an application or response filed.

Click *Contentions* if there are contentions present.

Click *All Listed Evidence Received* to affirm you reviewed all submitted evidence.

Click *Personal Appearance* if someone made an appearance. If an appearance was made, you will be prompted to enter the person’s name and role (Attorney, Company Representative, Insured, Expert, or Witness). To enter this information, click *Add a Representative*, enter his or her first and last name, and select his or her role. Repeat if multiple appearances were made.

Click *No Answer* if a Respondent did not respond to the arbitration filing.

Decision Information	
Decision	
Summary of Dispute:	This is a liability dispute involving a parking lot collision. Alpha contends Beta backed from a parking space without looking properly, causing the collision. Beta contends Alpha did not pay proper attention, and that Alpha ran into Beta's quarter panel that was well out into the aisle.
Liability Decision:	Respondent 1 - BETA INSURANCE OF COLORADO admits 0% liability. Applicant - ALPHA INSURANCE OF FLORIDA proved <input type="text" value="70%"/> % liability against Respondent 1 - BETA INSURANCE OF COLORADO <input type="text" value="improper lookout while backing, 30% versus Alpha for improper lookout."/> based on:
Damages Decision:	Applicant - ALPHA INSURANCE OF FLORIDA proved <input type="text" value="Reduced Damages"/> Damages Proven: \$ <input type="text" value="1000.00"/> Explain Damages Proven (if damages are reduced, explain why): <input type="text" value="\$1200 (Total Company Claim Amount) less \$200 for rocker repair = \$1000. Beta proved Alpha's rocker damage was prior damage."/> 7
What evidence caused you to render this decision and why?	In both driver statements, the damage resulting from the collision was described as limited to Alpha's front bumper and Beta's quarter panel. Alpha's vehicle photos showed a rusted dent in the rocker panel, which supports that it was prior damage. In her statement, Alpha admitted to backing and not seeing Alpha before the collision. In Beta's statement, he admitted he did not see Beta until she was "right in front of me" which proves he was not paying proper attention.
Award	

7. Decision

Summary of Dispute: Enter the nature of the dispute (i.e., liability dispute, damages dispute) and summarize the position of each party.

Liability Decision: Enter the percentage of liability proven against the Respondent and provide a statement outlining the applicable negligence act(s) or duty(ies) breached. Include the Applicant's negligence when comparative negligence applies.

Damages Decision: Select the appropriate damage decision (All Damages or Reduced Damages), and outline your decision regarding the damages dispute. If All Damages is selected, the Damages Proven field will be prefilled using the Total Company Paid Damages. If Reduced Damages is selected, you must enter the amount of damages proven and give specific reasons why damages were reduced and the amount of reduction. The Reduced Damages amount should not reflect prior payments, policy limits, liability assessed, or barred recovery due to negligence laws. Please show your math.

What evidence caused you to render this decision and why?

Provide an explanation of the influential evidence item(s) – what it contained and/or how it factored into the decision. Be concise, specific, and avoid general statements.

Award

State negligence law applied: Pure Comparative

Override automatic award calculation

Explanation of override: The Applicant proved that Joint and Several applies. The Applicant is an innocent party and is owed and awarded 100% based on the case law supplied as evidence.

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Payments Accepted by Applicant: \$ 500.00

	Damages Award Against (not including deductible)	Insured-Paid Deductible Award Against	Legal Fees Awarded	Credit for Prior Payments	Total Award Against
Respondent 1 - BETA INSURANCE OF COLORADO	\$ 5100.00	\$ 0.00	\$ 0.00	\$ 500.00	\$ 4600.00
Total Award	\$ 5100.00	\$ 0.00	\$ 0.00	\$ 500.00	\$ 4600.00

8. Award

State negligence law applied: This is pre-filled based on the loss location and is used to pre-calculate the award.

Override automatic award calculation: Check to alter the automatic award calculations, which are based on the percent of liability proven, damages proven, and the state negligence law. If checked, you must enter the explanation of the override with any math calculations included. If not checked, the automatic award calculation applies. The override will not affect entries for Legal Fees Awarded and Credit for Prior Payments. This can be used to adjust the award to policy limits or a pro-rata share if Applicant has agreed to accept.

Payments Accepted by Applicant: This is pre-filled if the Applicant entered any prior payment(s) from a Respondent, so the award, if given, can be credited with this amount. The amount will also pre-fill in the **Credit for Prior Payments** field when there is only one Respondent named. If there are multiple Respondents, the arbitrator will determine any proper credit for prior payments.

The **Damages Award Against, Insured-Paid Deductible Award Against, Legal Fees Awarded, Credit for Prior Payments, and Total Award Against** fields are pre-filled based on the percent of liability proven, damages proven, and the state negligence law applied. To manually change the automatic calculations, see “override automatic award calculation” above.

Credit for Prior Payments: If the Applicant has not listed a payment accepted by the Applicant, but the Respondent has **proven** a prior payment was made to the Applicant (proof of payment cashed/honored), enter the amount to be credited against the award. The hearing document will display Prior Payments Made to the Applicant, if applicable. Do not use the Damages Proven field to reduce an award for credit for prior payments. If the prior payment amount admitted/accepted differs between the Applicant and Respondent, you will need to determine what was proven to give proper credit. No credit should be given for out-of-pocket payments made to an insured except for a partial or full deductible payment.

After you enter all the information and double check your entries and spelling, click **Submit**. For three-person panels, the second and third panelist must enter their respective passwords before clicking **Submit**.