

To: All New York PIP Arbitrators

Re: Summary of June 19, 2013, Loss Transfer Advisory Committee Meeting

The following discussion points from the June 19, 2013, Loss Transfer Advisory Committee meeting are being shared to help ensure consistency in understanding and application.

- I. AF provided a NY PIP staff update with responsibilities:
 - Maria McNally – oversees AF operations in the Northeast region.
 - Steven Kochner – oversees the NY PIP hearings in NYC
 - Rikki Greggo – oversees NY PIP hearing in Hauppauge, Long Island
 - Marty Poole – reviews and publishes NY PIP decisions (quality control)

AF reminded the committee members that case-specific questions, etc., still went through the Member Services Center in Tampa, FL.

- II. AF was asked to explain decision review process – who reviews, what do they review for?

AF's review is two-fold: to ensure no error was made by the arbitrator in entering the decision and to ensure the decision is clearly written as to fault and what evidence was used to render the decision and what the evidence specifically proved. Our review does **NOT** consider the decision itself, i.e., who is deemed to be at fault, etc. The decision regarding liability, damages, etc., are at the arbitrator's discretion. AF only reviews decisions for quality control prior to publication.

- III. AF requested assistance from the LTAC regarding what clerical or administrative errors the LTAC believed AF had the authority to correct on a post-decision basis. AF advised that it would draft and provide a list of the current errors for which it would either amend or void a decision, as well as what issues arise that it does not review on a post-decision basis. (The list was provided and approved by the LTAC subsequent to the meeting.)

- IV. AF sought clarification regarding the satisfaction of the condition precedent, specifically if there should be a reasonable time frame from when the Intercompany Reimbursement Notification form (IRNF) is sent to a Respondent and arbitration is filed. AF reminded the group that the condition precedent is intended to ensure settlement negotiation prior to arbitration being filed. If the issue of condition precedent is raised by the Respondent, AF wanted some clarification, or a reasonable time frame, to provide to the arbitrators when considering the argument, i.e., arbitration should not be filed for 14 or 30 days after the IRNF is sent to ensure the Applicant gives the Respondent time to review and/or respond. After discussion, the LTAC did not want to impose a time frame or requirement. In essence, the Applicant can mail the IRNF to the Respondent on the same date arbitration is filed. The Respondent can attempt to negotiate/settle the claim prior to filing its arbitration response.