

Procedural FAQ for Total Recovery Solution[®] (TRS[®])

Filing

Q. I issued separate demands to two responding parties that were involved in accident with our insured. We are unable to negotiate a settlement. How do I file them in TRS so they are related and heard together?

A. You will transition one (either) to TRS and complete the process to submit the filing. Then transition the second to TRS. When you do so, you will be prompted that a case has already been created. Simply select the option to join the case.

Q. What happens after the responding party requests a change to the loss date and/or state or to the company that I selected as the responding party?

A. If the request pertains to the loss date and/or state, AF Member Services will review the request and applicable submitted evidence and make the change(s) as supported. If the request pertains to the company selected as the responding party, the case will return to you as a Revisit, and you will have up to seven days to make the change. The sooner the change is made, the sooner the case can move to hearing.

Q. What happens if I do not revisit the filing within the seven days of the responding party's request to change the named company (wrong company named)?

A. For wrong company change requests, the filing will be closed. The filing company would be free to refile against the correct company.

Q. What happens if I do not revisit the filing to review a counterclaim, an exclusion, or damage dispute asserted by the responding party?

A. The case will be placed for hearing by an arbitrator (assuming there are no additional parties that need to respond).

Q. I submitted a TRS filing and now have a paid supplement. What recourse do I have since there are no amendments or reschedules in TRS?

A. You have options:

- Issue a demand for the supplement **after** the liability decision is received on the TRS filing. The adverse company may issue payment, based on the liability decision, if the supplement is not disputed.

- Submit the supplement in TRS. The initial liability decision will apply. The adverse company may only dispute the supplemental damages. NOTE: You can prepare the TRS submission for the supplement while waiting for the liability decision on the initial filing; however, you will not be able to actually submit the filing until the initial filing is heard.

NOTE: Supplemental damages can be submitted only if paid after the initial recovery filing was submitted and only if the liability decision on the initial filing allows for recovery.

Q. Why do I, as the recovering party, need to agree to reimburse my insured for any out-of-pocket expenses when policy limits is asserted?

A. When you agree to accept policy limits, you are, in effect, agreeing to eliminate the excess exposure for the adverse party's insured. However, if your insured has out-of-pocket expenses, he or she could initiate further action against the adverse party's insured for reimbursement since those expenses are not included in the arbitration damages. For this reason, if it is confirmed that out-of-pocket expenses exist, the adverse party will require the recovering party to agree to reimburse its insured for his or her expenses, thereby eliminating any possibility of excess exposure on the part of the adverse party's insured.

Q. Why am I able to select both "Collision" and "Comprehensive/OTC" coverages when filing a claim?

A. Vehicle damages do typically arise from one or the other, not both. When both coverages are selected, the user will be prompted to add two features – one that was paid under Collision; one that was paid under Comprehensive/OTC. If damages for only one feature are being submitted, the user can return to the Coverages section workflow step and delete the incorrect coverage.

Q. If the responding party impleads another responding party, am I able to amend my liability arguments to address this new party?

A. Yes, you will be able to revisit the case to enter liability arguments regarding the new party. You will also need to update your admitted liability for the new party.

Q. When filing for both collision and PIP, is there a way to "link" them to be heard together, since PIP is still in Online Filing?

A. Rule 2-6 states, "For new Auto filings, only companion claims under the same coverage will be heard together and only when they are submitted together." Therefore, related cases under different coverages, i.e., an auto PD case and a PIP case cannot be linked or heard together; they will be heard separately. You can choose to file them at the same time (in the different platforms)

or file one to secure a liability decision, then submit that decision as evidence in the subsequent filing.

Q. May I withdraw a filing after I submit it?

A. Yes, if you initiated the filing, it may be withdrawn any time up to when the decision is published. NOTE: if the adverse party has filed its own feature damages, that filing's status might immediately change to Ready to Hear; you will be unable to refile your feature damages if you need to.

Q. May I join an existing case?

A. Yes, if the recovering party on the existing case grants permission. If you attempt to submit a case and receive a **Duplicate Case Check** message, first review the information to determine if it matches the case you are trying to file. If it does, you can discontinue the case and request to join the new case. Simply click "Next" and the **Discontinue Case Confirmation** message appears. Click "Submit" to discontinue the in-progress filing, and if you are not already a party of the existing case, TRS will send a request to the recovering party for you to join the case. After the recovering party accepts, you will be able to continue to file your claim. Evidence that has been uploaded to the discontinued case will automatically transfer to the existing case you joined, and you will receive an email confirmation of the discontinued case.

Q. If I start a filing but do not submit it because I am waiting for evidence, is there a time limit after which the filing will be systematically deleted or closed?

A. A case will remain in "In Progress" status indefinitely. Should arbitration ultimately not be needed, we ask that these pending filings be closed.

Q. Is there a time limit after which evidence attached to an "In Progress" filing is purge?

A. For security reasons, evidence is purged after 70 days of no activity. This includes "In Progress" filings as well as filings that are heard.

Responding

Q. How long do I have after a filing is submitted to respond?

A. Thirty (30) calendar days. The countdown of 30 days can be interrupted for any of the below situations:

- Incident Change Request – Change of State or Loss Date
- Request to Remove Party

- Request to Disqualify (Does not expire – only an AF user can resolve)

Upon submission of one of the above requests, the due date is frozen and will resume after the request is processed or expires; a request will expire after seven days.

Q. Can I get an extension if more time is needed?

A. Yes, one 15-day extension (calendar days) can be requested by a responding party, as long as the response due date has not passed. If the last day ends on a Sunday or an AF holiday, it will be pushed to the next working day. A fee is charged for the extension.

Q. When TRS includes other coverages, how will extensions work when the recovering party submits a filing for Collision and another for PIP or Med Pay - possibly with multiple features (driver and two passengers)?

A. Extensions are applied and charged on a coverage basis. Given the above scenario, the responding party would be allowed to request (and be charged for) an extension on the Collision coverage filing and/or PIP coverage filing.

Q. Our insured sustained damages, but we will not conclude our claim until after the response deadline. Since there are no reschedules, will we lose our right to pursue our counterclaim? What about if I am waiting for salvage to sell?

A. No, you will not lose your recovery rights. The liability decision will be binding, so the adverse company should reimburse you based on it. If it doesn't pay the claim or it disputes your damages, you will be free to file arbitration in TRS since the claim was not concluded. If salvage is pending, you can enter your response information and indicate "Salvage Pending" under **Company-Paid Damages**. Last, since the liability decision will carry forward, the adverse company will only be able to dispute damages.

Q. After I submit my response, what actions will the recovering party be able to make in the filing?

A. Depending on which revisit option the recovering party selected, the available revisit reasons are:

- Refute an exclusion you raised, if applicable
- Refute your damages arguments, if damages are disputed
- Change its answers to the policy limits acceptance questions, if policy limits is asserted
- Dispute your damages, if your response includes counter-damages

Q. Am I able to add evidence or update my liability arguments after I submit a filing or response?

A. You cannot amend your liability arguments after you submit your filing or response. The only actions allowed after submission are under a revisit. Regarding evidence, you are able to upload additional evidence items into the Evidence Manager (at occurrence level); however, you cannot attach new evidence to your filing or response after you submit it.

Q. When a recovering party submits supplemental damages (after an initial liability decision), do I have 30 days to respond?

A. The response time for a supplemental damages filing is seven days. It is shorter than the initial filing's response time, since liability has already been decided, and the sole issue is the supplemental damages. As such, less time should be needed to respond. An extension is available if more time is needed.

Q. What happens if my deferment is challenged?

A. Any challenges to the deferment will be sent immediately to an arbitrator for a ruling. The arbitrator will determine if the deferment should end or be allowed to continue. If the arbitrator decides the deferment should end, the case will be heard immediately. For this reason, we recommend submitting a complete case with the deferment challenge.

Evidence

Q. Will evidence marked as “viewable” in E-Subro Hub be viewable in TRS when the claim is submitted to arbitration?

A. The adverse party will not be able to view your evidence in TRS. If evidence has been marked as “Viewable” in E-Subro Hub, the adverse party may continue to view it in E-Subro Hub.

Q. I uploaded evidence and it appears in the Evidence Manager, but the decision says no evidence was submitted. What happened?

A. Evidence that has been uploaded **must be attached** to the case to be viewed by the arbitrator. Evidence is attached by selecting the “Attach Evidence” button found throughout the TRS platform, i.e., Liability Arguments, Exclusions, and Disputed Damages.

Q. Can video evidence be submitted?

A. Yes. The file size cannot exceed 40MB, and the acceptable file types are: .mov, .wmv, .avi, .mp4, and .vob. When submitting video evidence, you can either select “Video Evidence” as the

Evidence Type and add a description, i.e., security camera or dash cam view of loss; or select an applicable Evidence Type such as Statement-Driver if the video is your driver's account of the loss.

Worklist

Q. How long do cases remain on the Worklist?

A. Cases will remain on the Worklist for 70 days following the last activity. This applies to My Cases and My Company's Cases. Cases on My Watched Cases will stay there until the user removes it.

Q. What does "Needs Attention" on the Worklist mean?

A. These are cases that have an action pending, i.e., Revisit, Request for Information, or Response Due.

Q. I need to respond to a filing and "Enter Response" is not one of my options. Where is it?

A. The Worklist can be viewed two ways. You can view as cases or features. The Enter Response case action is viewable when you are in the Features view.

Hearing

Q. How do I receive cases to hear?

A. If you are set up as a TRS arbitrator, you will pull cases from the Ready to Hear queue when you are ready. On the My Hearing Queue page, simply select Get Case to Hear (in the upper right hand corner). A case that matches your arbitrator profile will be automatically assigned.

Q. How many cases am I allowed to pull at one time?

A. This is set by your AF arbitration manager based on your expected productivity. To ensure the best possible case cycle time, it is preferred that you pull an amount of cases that you can hear that day. This prevents cases that other arbitrators can hear from sitting in queue.

Q. How long do I have to hear a case after I pull it?

A. Currently, cases will appear on your My Hearing Queue for four business days. The time to hear the case and submit your decision will be displayed in the Time Remaining column (Days; Hours; Minutes).

Q. What happens if I submit an arbitrator support inquiry while I am hearing the case?

A. The time remaining (to hear the case) will pause until the inquiry is responded to; the time remaining will resume when the inquiry is closed. If you proceed to hear the case and submit your decision prior to receiving a response to your inquiry (i.e., you find your answer elsewhere), the arbitrator support inquiry will be automatically closed.

Q. I had three cases in my queue, and now there are two without me hearing any. What happened to the one case?

A. There are a few scenarios that would cause a case to be pulled from an arbitrator's queue. An email notification is sent to the arbitrator advising that the case has been pulled.

Q. Why are there different ways to view evidence?

A. Simply, to accommodate arbitrator preference. An arbitrator can click on and view each piece of evidence individually or click "View all Evidence" in a particular section and scroll through the evidence submitted by a party in that section. Also, there are different areas for the arbitrator to review evidence. Evidence can be attached with an exclusion, liability arguments, or damages.

Q. Why do I need to enter my liability decision twice?

A. TRS is designed to provide a single liability decision that will be binding unto the named parties for any subsequent filings, i.e., counterclaims, under that coverage, currently limited to filings under the Automobile Subrogation Arbitration Forum (Auto Forum). For this reason, you will need to determine liability for each party as a recovering party.

Q. I submitted my decision and had second thoughts. Am I able to retrieve it or pull it back?

A. Yes, your Arbitrator dashboard has a tab titled, "Submitted Decisions." Decisions are stored here for two hours.

Q. In driver-versus-driver cases where the evidence does not support liability for either party, does the arbitrator enter 0/0 or 0/100 (recovering party 100% liable for own damages)?

A. The liability percentage should be entered as 0% for each party since liability was unproven. The liability percent entries of 0% and 100% are only entered when a party has been proven to be 100% liable.

Decisions

Q: Alpha files against Beta only and a decision is rendered. Alpha is 100% liable for its own damages. Can Gamma file to recover its damages at a later time?

A: Yes, Gamma can file to recover against Alpha and Beta.

Q: Gamma files after the original decision. The arbitrator thinks Alpha is 80% at fault, and Beta is 20% at fault. Can the arbitrator make a different liability ruling in the second filing?

A: Yes, the initial decision is only binding between Alpha and Beta.

Q: Beta files after the Gamma filing is heard, and Alpha argues Gamma is prohibited. Can Beta file to recover its damages? Can the arbitrator render a different liability ruling?

A: Beta can file to recover its damages if they were paid after the initial filing. No, the arbitrator can't render a different liability ruling; the decision from the initial filing between Alpha and Beta is res judicata.

Post-Decision

Q: I submitted an initial claim and a supplement. The decision on the initial claim was voided, which I understand, but why was the supplement closed?

A: If the initial decision was voided because the claim was removed from jurisdiction, i.e., award exceeded policy limits, party not signatory, the supplement would also be outside of arbitration's jurisdiction. For this reason, the supplement filing is closed.

Q: The adverse party has not issued its award payment. I don't see where to submit my award payment request. Where is it?

A: The Award Pay Request is available at the Feature level under Decision Actions (See graphic below). NOTE: It is not available until 30 calendar days following the decision publication date.

Q: I believe a clerical error was made by the arbitrator in entering the decision. How do I submit a post-decision inquiry to have it reviewed for correction?

A: One of TRS's many benefits is that it streamlines work processes, including how a Post-Decision Inquiry (PDI) is made. Rather than navigating to a linked form on AF's website, TRS users submit a PDI directly from the case. To support prompt resolution of disputes, inquiries made after a decision are limited to specific time frames. TRS improves the PDI process by **only allowing valid PDI options** to appear; if an inquiry type is not available, it means the time frame to make that inquiry has expired. For more information, see [Post-Decision Inquiries in TRS](#).