

NY No-Fault for Arbitration Users

- Proper investigation and preparation is very important. Run the DMV report, check for out-of-state plates, research all involved vehicles, etc.
- An IRNF form must be submitted prior to filing in arbitration.
- Make sure your filing lists only an insurer, self-insured, or compensation provider as the Applicant and Respondent. No other party can be named, i.e. Third Party Administrator (TPA) or attorney. A TPA or attorney may, however, be listed as the representative. He or she just cannot be listed as a party at interest.
- Access the case online when you receive AF's notification and review the information to ensure it has been entered correctly by the Applicant. Avoid subsequent problems or award payment delay that may arise due to incorrect information being listed. Update any information that is not correct. Contact AF if the wrong company is listed and you are unable to access the case online.
- Prepare an effective and persuasive case. Well-written contentions that are supported by evidence is essential. Contentions alone are neither true nor false without evidence. Contentions + Evidence = Fact.
- Counterclaims are not mandatory in NY PIP. They may be filed and heard separately, if damages are disputed. The liability decision is res judicata.
- The Applicant's failure to provide damages documentation to the Respondent is not an affirmative defense or objection to jurisdiction. Arguments regarding damages must be presented in the dispute damages section.
- Communicate with attorneys or anyone else who is handling the claim for your company that is not listed as the representative. Make sure they are aware of the materials due date and/or the hearing date and location if they will be appearing on your company's behalf. If a case proceeds to hearing without a response from your company, the decision will be binding.
- If your company is going to have personal representation at the hearing, you must answer "Yes" to the personal representation option when submitting your filing or response. All evidence documents must be submitted by the materials due date. The representative is free to bring copies for his or her own reference.
- A decision on a case filed in another AF program (Auto, Special) is not res judicata in NY PIP and vice versa.