



NEW JERSEY DEPARTMENT OF
BANKING AND INSURANCE
QUARTERLY REPORT

No Fault PIP Arbitration
3rd Quarter 2023



FORTHRIGHT

3RD QUARTER 2023 REPORT
TO THE
NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE

Executive Summary 2

Cases Initiated 3

Transfer of Cases from OTP Proceedings to IP Proceedings 3

Disposition of Cases in the PIP Arbitration Program 4

Disposition of Cases by Percentage..... 4

Cases in Abeyance 4

Cases Settled within 45 Days of Initiation..... 5

Dispute Resolution Professional Caseload..... 5

Disposition of Cases after DRP Assignment..... 5

Aging Of Cases By Type of Proceeding, In-Person or On-The-Papers, and by DRP.....6

Regional Awards Percentage 6

Awards as a Percentage of Claim Amount 6

PIP Benefits and Attorney’s Fees Comparison 6

Award Average, Median, and Dollar Range 7

Appeals..... 7

Medical Review Organization Report 7

Online Case Management and Award Searching 8

Appendix A..... 9

Appendix B..... 10

EXECUTIVE SUMMARY

In the third quarter of 2023, 11,272 cases were initiated in the PIP dispute resolution program. As of August 1, 2022, regions were eliminated by rule amendment and, accordingly, initiations will no longer be reported by region. Of these cases initiated, 8,848 (78%) were initiated as In-Person (IP) and 2,424 (22%) as On-the-Papers (OTP).

The DRP panel consisted of 42 members. In this quarter 10,093 cases were assigned to DRPs.

On August 1, 2022, the amended rules went into effect eliminating regions, allowing cases filed after that date to be assigned to DRPs throughout the state without regard to region. The report for the fourth quarter of 2022 was the last report to the Department with regional breakdowns.

The amended rules prioritized videoconference “in-person” hearings, with a procedure to request a non-video hearing. During each quarter since the amended rules became effective, Forthright did not receive any requests for a non-video hearing.

Of the pending cases in the PIP arbitration program, 10,428 were concluded during the third quarter by means of an award or denial of award (including appeals), pre-hearing dismissal of the case, settlement, or withdrawal.

There were 481 cases placed in abeyance by consent of the parties or by order of the court.

System-wide, the average amount awarded in arbitration (excluding filing fees) was \$6,778 comprised of \$5,962 for personal injury protection benefits and \$816 for attorney’s fees per case. It is common practice for users to stipulate that amounts awarded by DRPs are subject to further reduction for deductibles, co-payments, prior payments, and/or medical fee schedule adjustments. In such cases, the final amount paid by the Respondent for PIP benefits may be less than the awarded amount.

Seven appeals to panels of three DRPs were concluded during the reporting period. All involved awards or dismissal orders rendered in In Person matters. No OTP awards were appealed. Fourteen percent of awards appealed were vacated or modified.

During the reporting period, 5 MRO reviews were provided at the request of a party. DRPs did not request any reviews. The requests were apportioned among the four certified MROs on a rotating basis.

CASES INITIATED

Cases are considered “filed” as of the date a Demand for Arbitration is received by Forthright. Case “initiation” occurs when an initiation letter is transmitted to the parties.

As of August 1, 2022, cases which qualify for “in-person” (“IP”) proceedings are no longer region-specific and are assigned to any DRP throughout the state without regard to region. Cases that proceed “on-the-papers” (“OTP”) are also not region-specific and may be assigned to any DRP. Throughout this report, data are reported as OTP or IP.

In the third quarter of 2023, 11,272 cases were initiated in the PIP dispute resolution program. As of August 1, 2022, regions were eliminated by rule amendment and, accordingly, initiations will no longer be reported by region. Of these cases initiated, 8,848 (78%) were initiated as In-Person and 2,424 (22%) as OTP. See the table below for the monthly distribution.

	In-Person (IP)	On The Papers (OTP)	Total
July	2,715	762	3,477
August	3,224	850	4,074
September	2,909	812	3,721
Totals	8,848	2,424	11,272

On August 1, 2022, the amended rules went into effect eliminating regions, allowing cases filed after that date to be assigned to DRPs throughout the state without regard to region.

Also, the amended rules prioritized videoconference “in-person” hearings, with a procedure to request a non-video hearing. During the third quarter of 2023, Forthright did not receive any requests for a non-video hearing.

TRANSFER OF CASES FROM OTP PROCEEDINGS TO IP PROCEEDINGS

Under certain circumstances, cases that were initially filed as OTP may be transferred to IP proceedings. The circumstances include consolidations (automatic, by consent, or by request), insurance policy issues identified by Respondent, change of claim, and cases voluntarily filed as OTP but the Respondent does not consent. Please consult arbitration Rules 6, 9, and 51 for a complete explanation of the circumstances for transfer. The table below shows the number of cases transferred in the third quarter and the reason.

Consolidation	Policy Issues	Change of Claim	Total
350	28	88	466

DISPOSITION OF CASES IN THE PIP ARBITRATION PROGRAM

Of the pending cases in the PIP arbitration program, 10,428 were concluded during the third quarter by means of an award or denial of award (including appeals), pre-hearing dismissal of the case, settlement, or withdrawal. The table below illustrates the manner in which cases were administered and concluded in the IP as well as the OTP category.

Disposition Type	In-Person (IP)	On The Papers (OTP)	Total
Awarded/Denied	2,641	457	3,098
Dismissed Pre-Hearing	3	0*	3
Settled	4,757	1,569	6,326
Withdrawn	748	253	1,001
Total	8,149	2,279	10,428

* Pre-hearing dismissal is not an option for OTP cases.

DISPOSITION OF CASES BY PERCENTAGE

The table below presents the disposition of OTP cases and IP cases as percentages of case dispositions during the reporting period. **Percentages may not add to 100% due to rounding.**

Disposition Type	In-Person (IP)	On The Papers (OTP)
Awarded/Denied	32%	20%
Dismissed	<1%	N/A
Settled	58%	69%
Withdrawn	9%	11%

CASES IN ABEYANCE

Administration of certain cases is suspended by way of Court Order or consent of the parties. These cases are designated as in abeyance. Abeyances for the reporting period are shown in the table below.

In-Person (IP)	On The Papers (OTP)	Total
430	51	481

CASES SETTLED WITHIN 45 DAYS OF INITIATION

The Respondents are granted a conciliation period of 45 days from case initiation in which to settle claims without incurring the Respondent administration fee.

The following table expresses the distribution of settlements within 45 days of initiation.

	In-Person (IP)	On The Papers (OTP)	Total
Settlements*	2,718	1,066	3,784

** Note: This data is based only upon user communications describing cases as settled or resolved. There are likely cases that the parties communicated as “withdrawn” or otherwise concluded which were actually settled and would qualify for this category.*

DISPUTE RESOLUTION PROFESSIONAL CASELOAD

The DRP panel consisted of 42 members. In this quarter 10,093 cases were assigned to DRPs.

On August 1, 2022, the amended rules went into effect eliminating regions, allowing cases filed after that date to be assigned to DRPs throughout the state without regard to region.

Caseload activity of DRPs is represented in Appendix A. This table distinguishes IP cases from OTP cases. Note that the tally of awarded and settled cases displayed in the “Disposition of Cases after DRP Added” Section and Appendix A may vary slightly because of the method of collecting data for each. For example, an award rendered by a three DRP panel is reported for each DRP in Appendix A. A case that settles while in abeyance without an active DRP will not be counted in Appendix A.

DISPOSITION OF CASES AFTER DRP ASSIGNMENT

OTP cases are assigned to a DRP upon initiation. IP cases are assigned to DRPs following expiration of the 45-day conciliation period. After DRP appointment, a total of 7,786 cases were resolved during the quarter, resulting from a combination of DRP-issued awards (which includes denials and appeals), pre-hearing dismissals, settlements, and withdrawals.

The following table represents the distribution and outcomes of cases across the entire DRP panel during the third quarter of 2023 after the cases were assigned to DRPs. Note that the tally of awarded and settled cases displayed in the “Disposition of Cases after DRP Added” Section and Appendix A may vary slightly because of the method of collecting data for each. For example, an award rendered by a three DRP panel is reported for each DRP in Appendix A. A case that settles while in abeyance without an active DRP will not be counted in Appendix A.

Disposition	In-Person (IP)	On The Papers (OTP)
Awarded/Denied	2,845	458
Dismissed by DRP	2	0*
Settled	2,093	1,564
Withdrawn	572	252
Total	5,512	2,274

** Not applicable to OTP proceedings*

AGING OF CASES BY TYPE OF PROCEEDING, IN-PERSON OR ON-THE-PAPERS, AND BY DRP

The average age (counted by calendar days) of active pending cases at the end of the third quarter of 2023 by DRP is represented in Appendix B but excludes cases that were put in abeyance by the parties or stayed by court action. Please note that consolidations, late MRO requests and postponements are factors that lengthen disposition timelines.

REGIONAL AWARDS PERCENTAGE

On August 1, 2022, the amended rules went into effect eliminating regions, allowing cases filed after that date to be assigned to DRPs throughout the state without regard to region.

An online database of these awards is located at www.nj-no-fault.com.

AWARDS AS A PERCENTAGE OF CLAIM AMOUNT

DRPs can deny a claim in its entirety or award all or part of an amount requested by a Claimant. For cases decided in the third quarter of 2023, the table and graph below indicate the distribution of DRP total awarded amounts, from 0% (denied/dismissed) to 100% of claimed amounts. Total awarded amounts include PIP benefits, legal fees, and costs.

For purposes of the data table amended amounts are captured within a total amount claimed and then compared to the total amount awarded.

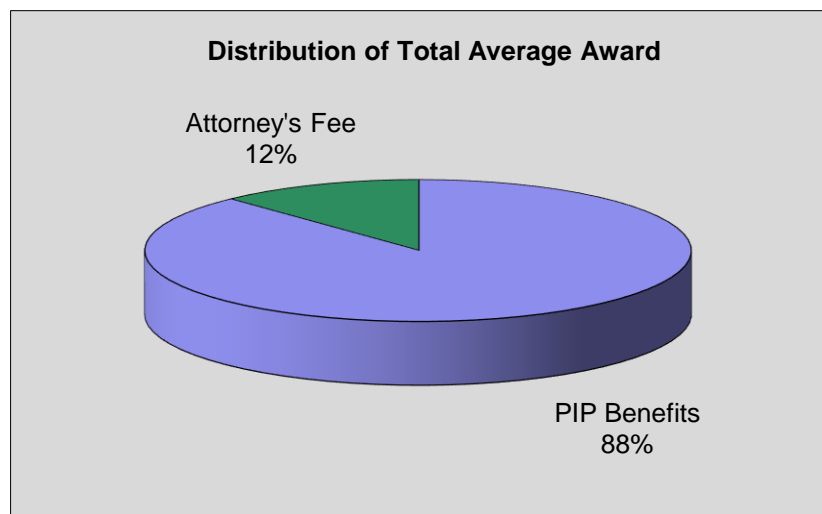
	Dismissed	Denied	1-33%	34-66%	67-100%	Total
IP	3	562	340	591	1,361	2,857
OTP	0*	206	5	18	227	456
Total	3	768	345	609	1,588	3,313

* Not applicable to OTP proceedings.

Note: The award data in this section excludes appellate awards.

PIP BENEFITS AND ATTORNEY’S FEES COMPARISON

System-wide, the average amount awarded in arbitration (excluding filing fees) was \$6,778 comprised of \$5,962 for personal injury protection benefits and \$816 for attorney’s fees per case. The graphical representation compares the data as percentages.



AWARD AVERAGE, MEDIAN AND DOLLAR RANGE

The average amount awarded for claims other than attorney’s fees and costs was \$5,962* per case. Awarded amounts ranged from \$0 to \$441,972. The median award during the reporting period was \$936. Note that the calculation of the average and median includes cases in which the amount awarded was \$0.

The average amount awarded for attorney’s fees was \$816 per case. Awarded attorney’s fees ranged from \$0 to \$5,250. The median attorney’s fee award during the reporting period was \$1,000. Note that the calculation of the average and median attorney’s fee includes cases in which the amount awarded was \$0.

	Average	Dollar Range	Median
PIP Benefits’ Award	\$5,962	\$0 to \$441,972	\$936
Attorney’s Fee Award	\$816	\$0 to \$5,250	\$1,000

** Note: It is common practice for users to stipulate that amounts awarded by DRPs are subject to further reduction for policy deductibles, co-payments, prior payments, and/or medical fee schedule adjustments. In such cases, the final amount paid by the Respondent for PIP benefits may be less than the awarded amount.*

APPEALS

Seven appeals to panels of three DRPs were concluded during the reporting period. All involved awards or dismissal orders rendered in In Person matters. No OTP awards were appealed. Fourteen percent of awards appealed were vacated or modified. The following table reports the results.

	IP	OTP	Total
Affirmed	6	0	6
Vacated & Remanded	1	0	1
Vacated & Corrected	0	0	0
Modified	0	0	0
Total	7	0	7

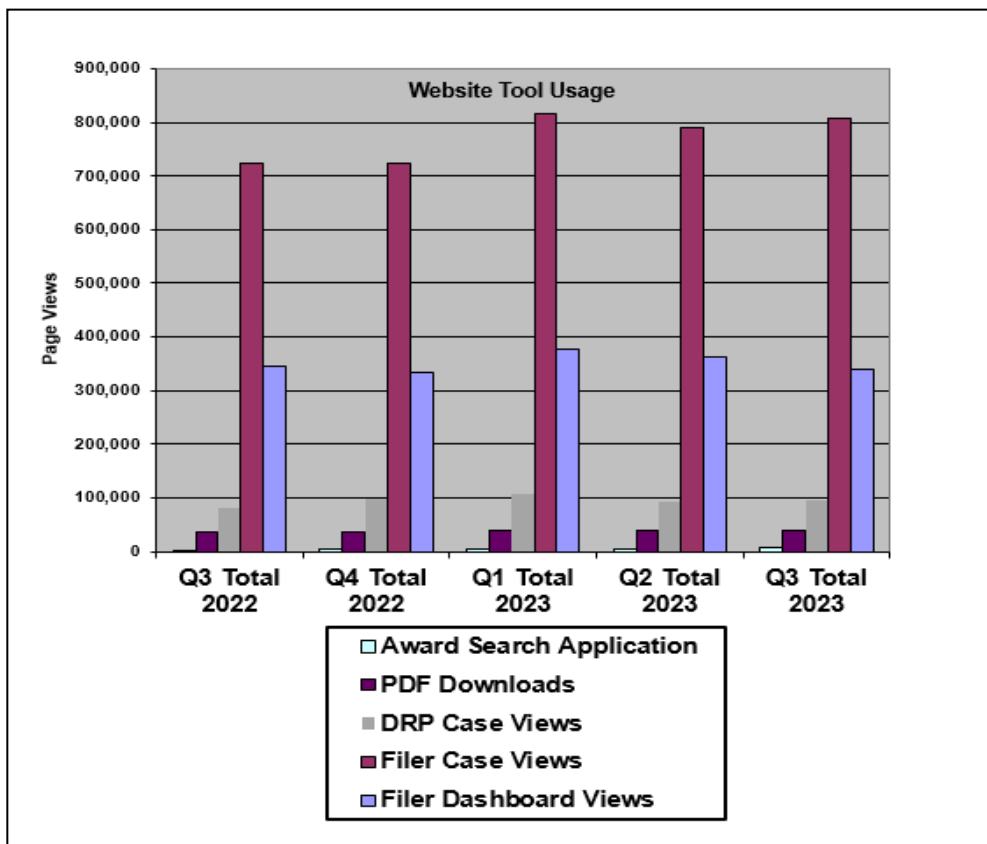
MEDICAL REVIEW ORGANIZATION REPORT

There are currently four Medical Review Organizations (“MRO”) certified by the Department of Banking and Insurance. They are ExamWorks (formerly known as CFO Medical Services), First Managed Care Option (“FMCO”), Rising Medical Solutions and Support Claim Services (“SCS”). Information relevant to MRO usage is outlined in the table below.

MRO	Request By Party	Request By DRP	Total Requests	Request for Information	Report in 20 Business Days	Report After 20 Business Days
ExamWorks	1	0	1	0	1	0
FMCO	1	0	1	0	1	0
Rising Medical	1	0	1	0	1	0
SCS	2	0	2	0	2	0
Total	5	0	5	0	5	0

ONLINE CASE MANAGEMENT AND AWARD SEARCHING

This section of the report provides usage data for Forthright’s free web-based case management tools for PIP practitioners located online at www.nj-no-fault.com. Forthright completely redesigned and enhanced the functionality of the user web portals as a free customer service. PIP practitioners now access a “dashboard” from which they can navigate through their case information. They can retrieve and view both parties’ document submissions as well as access rules and forms, file and manage cases online, upload case documents, and search prior decisions. The chart below compares usage for the past five calendar quarters.



APPENDIX A

	IP Assigned	OTP Assigned	IP Settled/ Withdrawn	OTP Settled/ Withdrawn	IP Awarded/ Denied	OTP Awarded/ Denied	IP Proceedings
Aloi, Anthony M.	170	64	59	50	84	9	85
Andolino, Michael D.	172	65	66	43	71	12	74
Campbell, Jennifer M.	179	63	52	45	70	10	75
Carnelli, Christopher M.	154	60	71	43	78	13	83
Cassella, Deborah M.	161	68	64	52	76	11	77
Croft, Douglas M.	157	60	54	47	66	11	98
Daniskas, Maria I.	175	71	54	51	59	13	69
Della Badia, Joseph	173	53	99	32	63	13	61
DeMarco, Jodi L.	141	60	67	38	68	6	70
Eisele-Grabowski, Karen	233	64	83	55	58	8	82
Fabiano, Edward	229	65	47	47	68	9	57
Fannan, John J.	15	11	7	9	0	0	0
Finiello, Susanne N.	151	54	63	36	65	14	75
Frankland, Suzanne J.	191	58	58	49	90	19	79
Ganzhorn, Lisa A.	134	57	74	42	78	14	88
Garrabrandt, James H.	202	56	78	41	67	14	59
Gordon, Howard I.	411	62	43	17	5	0	13
Grabowski, David A.	197	67	84	56	57	11	77
Hackett, Michael	218	55	72	41	55	14	61
Hebron, Sylvia A	164	60	80	48	63	12	73
Johnston, Maureen M.	163	60	54	39	88	11	80
Kaiser, Brian K.	200	61	60	49	96	13	93
Karbasian, Carolyn K.	215	65	72	43	68	8	75
Keller, Grant W.	198	65	84	50	72	17	84
LaPorta, David M.	189	60	60	52	80	12	76
Lardiere, Andrea L	205	62	80	51	78	19	91
LaSalle, Robert C.	173	56	82	51	88	15	85
Mundy, Lisa D.	204	59	74	55	88	11	83
Nardella, George C.	236	65	75	51	71	11	71
Noonan, Scott M.	165	68	47	46	72	11	85
O'Donnel, Kenneth L.	177	54	53	38	63	13	84
Patriaco, Andrew A.	182	63	47	37	65	10	81
Reis, Karen M.	186	61	60	52	81	13	77
Remington-Knodel, Jennifer	177	69	68	42	81	11	85
Riva, Joseph J.	102	54	29	33	33	1	30
Sacco, Russ	200	54	71	34	70	12	102
Stampone, Vincenzo	142	52	62	42	94	24	66
Suralik-Horvath, Michelle	161	60	78	43	72	1	75
Tamburino, Joseph A.	121	37	44	29	27	5	44
Tarrant, Tara D.	183	53	69	47	79	10	102
Vanderhoef, Kimberly A.	173	71	40	47	70	8	70
Voorhees, Gregory X.	228	64	80	43	68	9	75
Total	7607	2486	2664	1816	2845	458	3,070

APPENDIX B

	IP Cases	IP Age (in days)	OTP Cases	OTP Age (in days)
Aloi, Anthony M.	364	206.34	48	63.67
Andolino, Michael D.	389	205.27	58	64.45
Campbell, Jennifer M.	408	256.86	54	57.91
Carnelli, Christopher M.	365	183.47	56	56.70
Cassella, Deborah M.	341	196.03	52	50.21
Croft, Douglas M.	438	249.84	56	68.95
Daniskas, Maria I.	435	207.73	54	51.93
Della Badia, Joseph	374	214.99	54	61.91
DeMarco, Jodi L.	416	255.18	55	59.04
Eisele-Grabowski, Karen	400	151.60	65	71.12
Fabiano, Edward	454	208.98	57	63.77
Finiello, Susanne N.	346	179.57	55	62.89
Frankland, Suzanne J.	409	221.63	46	68.33
Ganzhorn, Lisa A.	442	247.98	55	68.20
Garrabrandt, James H.	421	188.00	53	67.17
Gordon, Howard I.	347	107.66	43	47.12
Grabowski, David A.	385	169.62	53	70.13
Hackett, Michael	422	190.55	52	68.38
Hebron, Sylvia A	416	216.16	48	67.46
Johnston, Maureen M.	425	208.73	49	57.73
Kaiser, Brian K.	424	175.47	56	77.09
Karbasian, Carolyn K.	437	209.08	56	55.57
Keller, Grant W.	420	163.46	54	59.26
LaPorta, David M.	393	231.35	44	65.66
Lardiere, Andrea L	431	203.50	55	68.89
LaSalle, Robert C.	457	202.12	46	83.17
Mundy, Lisa D.	400	178.43	46	47.76
Nardella, George C.	394	196.54	51	55.96
Noonan, Scott M.	442	257.29	55	56.27
O'Donnel, Kenneth L.	427	239.57	59	68.39
Patriaco, Andrew A.	451	210.27	67	65.36
Reis, Karen M.	380	227.10	46	57.37
Remington-Knodel, Jennifer	395	207.36	65	72.69
Riva, Joseph J.	231	234.43	46	54.07
Sacco, Russ	427	217.17	56	69.79
Stampone, Vincenzo	352	215.57	42	60.38
Suralik-Horvath, Michelle	402	191.77	51	64.12
Tamburino, Joseph A.	234	214.04	31	60.26
Tarrant, Tara D.	452	247.15	44	73.61
Vanderhoef, Kimberly A.	368	219.50	64	72.81
Voorhees, Gregory X.	420	171.71	59	64.02

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