



NEW JERSEY DEPARTMENT OF
BANKING AND INSURANCE
QUARTERLY REPORT

No Fault PIP Arbitration
4th Quarter 2023



FORTHRIGHT

4TH QUARTER 2023 REPORT
TO THE
NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE

Executive Summary.....2

Cases Initiated3

Transfer of Cases from OTP Proceedings to IP Proceedings.....3

Disposition of Cases in the PIP Arbitration Program4

Disposition of Cases by Percentage4

Cases in Abeyance4

Cases Settled within 45 Days of Initiation5

Dispute Resolution Professional Caseload.....5

Disposition of Cases after DRP Assignment5

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

Appeals7

Medical Review Organization Report7

Online Case Management and Award Searching.....7

Appendix A.....9

Appendix B..... 10

EXECUTIVE SUMMARY

In the fourth quarter of 2023, 11,497 cases were initiated in the PIP dispute resolution program. As of August 1, 2022, regions were eliminated by rule amendment and, accordingly, initiations are no longer reported by region. Of these cases initiated, 9,147 (80%) were initiated as In-Person and 2,350 (20%) as OTP.

The DRP panel consisted of 41 members. In this quarter 9,837 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, 12,043 were concluded during the fourth quarter by means of an award or denial of award (including appeals), pre-hearing dismissal of the case, settlement, or withdrawal.

There were 589 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 \$6,277 comprised of \$5,500 for personal injury protection benefits and \$777 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.

Ten 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. Ten percent of awards appealed were vacated or modified.

During the reporting period, 3 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 fourth quarter of 2023, 11,497 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, 9,147 (80%) were initiated as In-Person and 2,350 (20%) as OTP. See the table below for the monthly distribution.

	In-Person (IP)	On The Papers (OTP)	Total
October	3,280	850	4,130
November	3,094	797	3,891
December	2,773	703	3,476
Totals	9,147	2,350	11,497

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 fourth 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 fourth quarter and the reason.

Consolidation	Policy Issues	Change of Claim	Total
280	43	113	436

DISPOSITION OF CASES IN THE PIP ARBITRATION PROGRAM

Of the pending cases in the PIP arbitration program, 12,043 were concluded during the fourth 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	3,103	510	3,613
Dismissed Pre-Hearing	3	0*	3
Settled	5,577	1,752	7,329
Withdrawn	822	276	1,098
Total	9,505	2,538	12,043

* 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	33%	20%
Dismissed	<1%	N/A
Settled	59%	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
541	48	589

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*	3,222	1,200	4,422

** 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 41 members. In this quarter 9,837 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 8,931 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 fourth 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	3,348	510
Dismissed by DRP	3	0*
Settled	2,418	1,747
Withdrawn	629	276
Total	6,398	2,533

** 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 fourth 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 fourth 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.

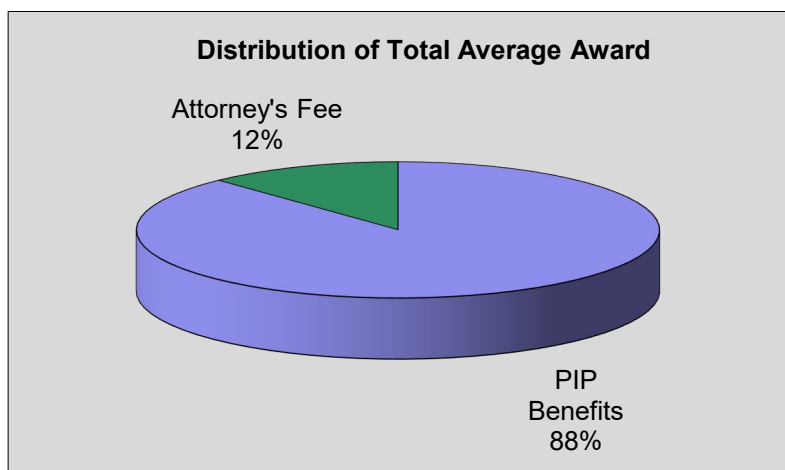
	Dismissed	Denied	1-33%	34-66%	67-100%	Total
IP	3	761	362	639	1,586	3,351
OTP	0*	242	4	19	245	510
Total	3	1,003	366	658	1,831	3,861

* 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 \$6,277 comprised of \$5,500 for personal injury protection benefits and \$777 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 \$5,500* per case. Awarded amounts ranged from \$0 to \$358,741. The median award during the reporting period was \$930. 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 \$777 per case. Awarded attorney’s fees ranged from \$0 to \$6,750. 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	\$5,500	\$0 to \$358,741	\$930
Attorney’s Fee Award	\$777	\$0 to \$6,750	\$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

Ten 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. Ten percent of awards appealed were vacated or modified. The following table reports the results.

	IP	OTP	Total
Affirmed	9	0	9
Vacated & Corrected	1	0	1
Modified	0	0	0
Total	10	0	10

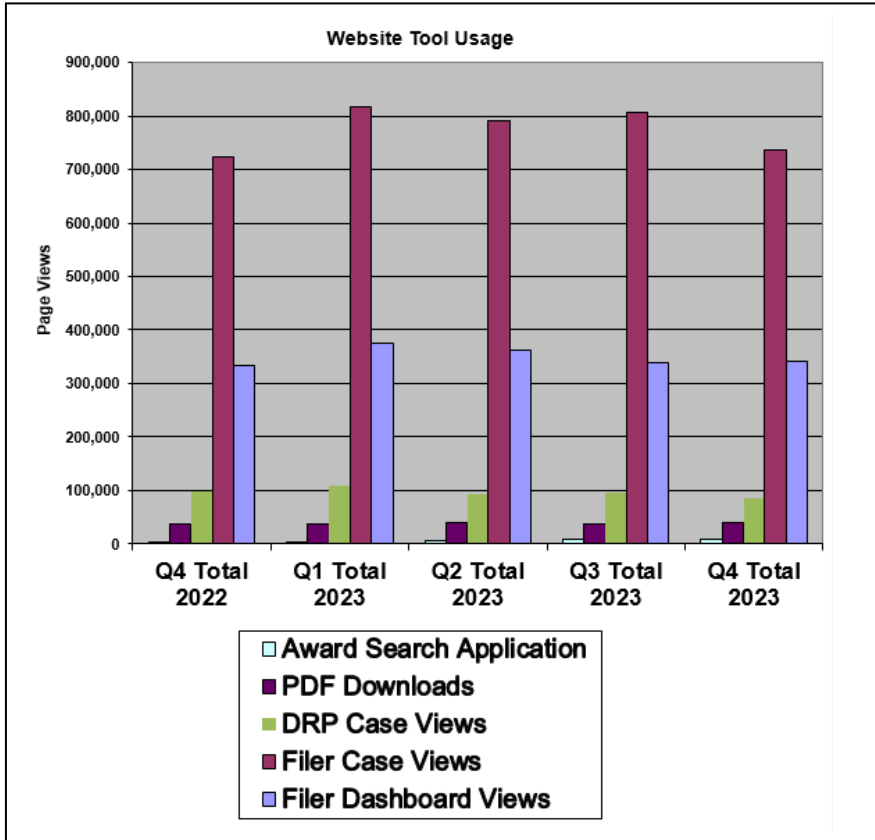
MEDICAL REVIEW ORGANIZATION REPORT

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	0	1
FMCO	1	0	1	0	1	0
Rising Medical	1	0	1	0	1	0
SCS	0	0	0	0	0	0
Total	3	0	3	0	2	1

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.	221	62	72	45	64	12	65
Andolino, Michael D.	213	61	68	52	109	14	95
Campbell, Jennifer M.	202	52	71	54	104	10	102
Carnelli, Christopher M.	174	63	75	56	97	18	86
Cassella, Deborah M.	167	60	65	44	75	11	77
Croft, Douglas M.	199	47	77	36	91	18	79
Daniskas, Maria I.	245	56	85	45	76	10	86
Della Badia, Joseph	157	56	90	61	70	12	62
DeMarco, Jodi L.	180	67	66	56	96	10	78
Eisele-Grabowski, Karen	214	48	100	52	87	18	74
Fabiano, Edward	188	65	84	53	73	18	75
Finiello, Susanne N.	168	56	70	39	80	16	70
Frankland, Suzanne J.	175	50	70	46	61	15	66
Ganzhorn, Lisa A.	175	48	50	49	112	11	93
Garrabrandt, James H.	216	60	66	49	77	14	62
Gordon, Howard I.	172	65	81	50	60	6	73
Grabowski, David A.	148	51	73	48	68	12	56
Hackett, Michael	174	59	85	56	72	11	64
Hebron, Sylvia A	214	61	109	47	91	10	83
Johnston, Maureen M.	237	67	70	53	76	9	59
Kaiser, Brian K.	186	51	90	49	90	12	73
Karbasian, Carolyn K.	174	47	58	46	71	10	60
Keller, Grant W.	166	50	84	52	62	11	48
LaPorta, David M.	212	62	87	55	76	8	77
Lardiere, Andrea L	165	58	62	53	111	10	83
LaSalle, Robert C.	130	43	73	38	85	16	74
Mundy, Lisa D.	217	58	73	50	87	10	93
Nardella, George C.	165	62	81	59	75	9	73
Noonan, Scott M.	206	69	76	58	89	6	76
O'Donnel, Kenneth L.	172	51	77	47	82	17	80
Patriaco, Andrew A.	205	57	79	59	90	14	63
Reis, Karen M.	216	52	61	34	80	15	66
Remington-Knodel, Jennifer	161	56	58	55	97	17	94
Riva, Joseph J.	115	62	36	52	47	11	47
Sacco, Russ	139	38	91	43	96	13	71
Stampone, Vincenzo	170	68	72	51	81	11	100
Suralik-Horvath, Michelle	212	67	89	47	75	13	77
Tamburino, Joseph A.	93	53	46	35	57	10	44
Tarrant, Tara D.	168	52	79	42	100	11	82
Vanderhoef, Kimberly A.	190	72	62	49	70	18	61
Voorhees, Gregory X.	183	71	86	58	88	13	73
Total	7484	2353	3047	2023	3348	510	3020

APPENDIX B

	IP Cases	IP Age (in days)	OTP Cases	OTP Age (in days)
Aloi, Anthony M.	412	180.35	52	66.83
Andolino, Michael D.	429	185.46	48	69.08
Campbell, Jennifer M.	425	238.63	42	73.90
Carnelli, Christopher M.	365	172.97	45	63.64
Cassella, Deborah M.	378	177.34	51	57.57
Croft, Douglas M.	446	212.40	52	75.17
Daniskas, Maria I.	471	198.48	49	66.06
Della Badia, Joseph	396	190.54	36	62.94
DeMarco, Jodi L.	443	221.15	50	59.82
Eisele-Grabowski, Karen	445	156.18	42	83.88
Fabiano, Edward	445	224.89	49	51.37
Finiello, Susanne N.	394	176.04	56	77.43
Frankland, Suzanne J.	412	227.85	37	58.86
Ganzhorn, Lisa A.	438	240.40	41	81.68
Garrabrandt, James H.	474	206.95	53	82.53
Gordon, Howard I.	371	123.82	50	53.12
Grabowski, David A.	365	191.65	38	74.34
Hackett, Michael	452	189.36	43	66.72
Hebron, Sylvia A	419	204.99	49	63.65
Johnston, Maureen M.	496	198.54	50	64.68
Kaiser, Brian K.	401	188.28	44	82.80
Karbasian, Carolyn K.	445	237.94	46	86.37
Keller, Grant W.	416	196.46	41	75.00
LaPorta, David M.	425	216.32	40	55.30
Lardiere, Andrea L	404	202.06	49	66.49
LaSalle, Robert C.	403	225.31	35	56.31
Mundy, Lisa D.	419	174.86	48	64.58
Nardella, George C.	383	197.79	42	56.81
Noonan, Scott M.	477	245.69	52	61.65
O'Donnel, Kenneth L.	413	235.47	43	77.44
Patriaco, Andrew A.	466	208.26	44	67.07
Reis, Karen M.	378	192.71	43	56.79
Remington-Knodel, Jennifer	414	188.19	46	65.93
Riva, Joseph J.	246	195.52	41	47.98
Sacco, Russ	358	208.83	37	69.78
Stampone, Vincenzo	391	184.75	47	57.77
Suralik-Horvath, Michelle	417	196.64	53	51.28
Tamburino, Joseph A.	224	219.21	39	54.10

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