



NEW JERSEY DEPARTMENT OF
BANKING AND INSURANCE
QUARTERLY REPORT

No Fault PIP Arbitration
1st Quarter 2024



FORTHRIGHT

1ST QUARTER 2024 REPORT
TO THE
NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE

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EXECUTIVE SUMMARY

In the first quarter of 2024, 12,478 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, 9,872 (79%) were initiated as In-Person and 2,606 (21%) as OTP.

The DRP panel consisted of 41 members. In this quarter 10,275 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, 11,692 were concluded during the first quarter by means of an award or denial of award (including appeals), pre-hearing dismissal of the case, settlement, or withdrawal.

There were 615 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 \$7,488 comprised of \$6,651 for personal injury protection benefits and \$837 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.

Five 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. Forty 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 first quarter of 2024, 12,478 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, 9,872 (79%) were initiated as In-Person and 2,606 (21%) as OTP. See the table below for the monthly distribution.

	In-Person (IP)	On The Papers (OTP)	Total
January	3,374	854	4,228
February	3,104	811	3,915
March	3,394	941	4,335
Totals	9,872	2,606	12,478

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 first quarter of 2024, 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 first quarter and the reason.

Consolidation	Policy Issues	Change of Claim	Total
326	24	89	439

DISPOSITION OF CASES IN THE PIP ARBITRATION PROGRAM

Of the pending cases in the PIP arbitration program, 11,692 were concluded during the first 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	2,940	454	3,394
Dismissed Pre-Hearing	2	0*	2
Settled	5,337	1,607	6,944
Withdrawn	1,073	279	1,352
Total	9,352	2,340	11,692

** 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	31%	19%
Dismissed	<1%	N/A
Settled	57%	69%
Withdrawn	11%	12%

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
557	58	615

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*	3,098	1,131	4,229

** 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 10,275 cases were assigned to DRPs.

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 8,659 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 first quarter of 2024 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	3,140	451
Dismissed by DRP	2	0*
Settled	2,378	1,606
Withdrawn	803	279
Total	6,323	2,336

** 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 first quarter of 2024 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 first quarter of 2024, 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.

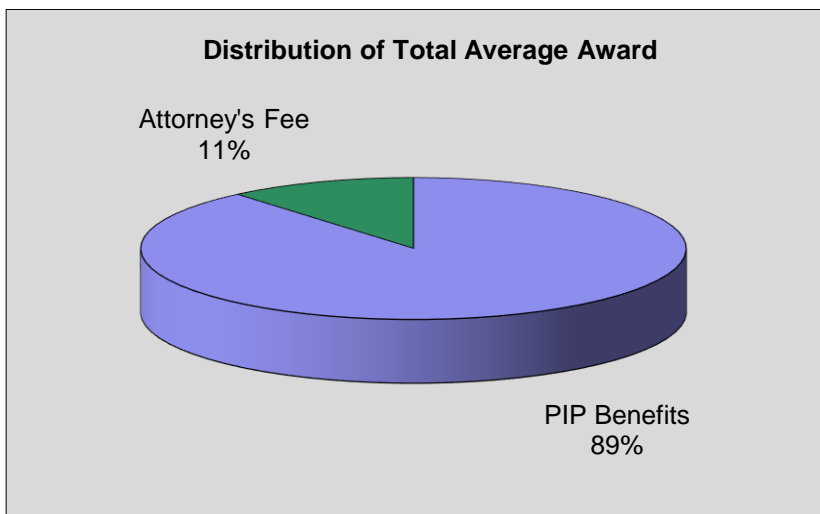
	Dismissed	Denied	1-33%	34-66%	67-100%	Total
IP	2	673	404	581	1,525	3,185
OTP	0*	239	3	14	199	455
Total	2	912	407	595	1,724	3,640

* 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 \$7,488 comprised of \$6,651 for personal injury protection benefits and \$837 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 \$6,651* per case. Awarded amounts ranged from \$0 to \$429,852. The median award during the reporting period was \$970. 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 \$837 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	\$6,651	\$0 to \$429,852	\$970
Attorney’s Fee Award	\$837	\$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

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

	IP	OTP	Total
Affirmed	3	0	3
Vacated & Corrected	1	0	1
Modified	1	0	1
Total	5	0	5

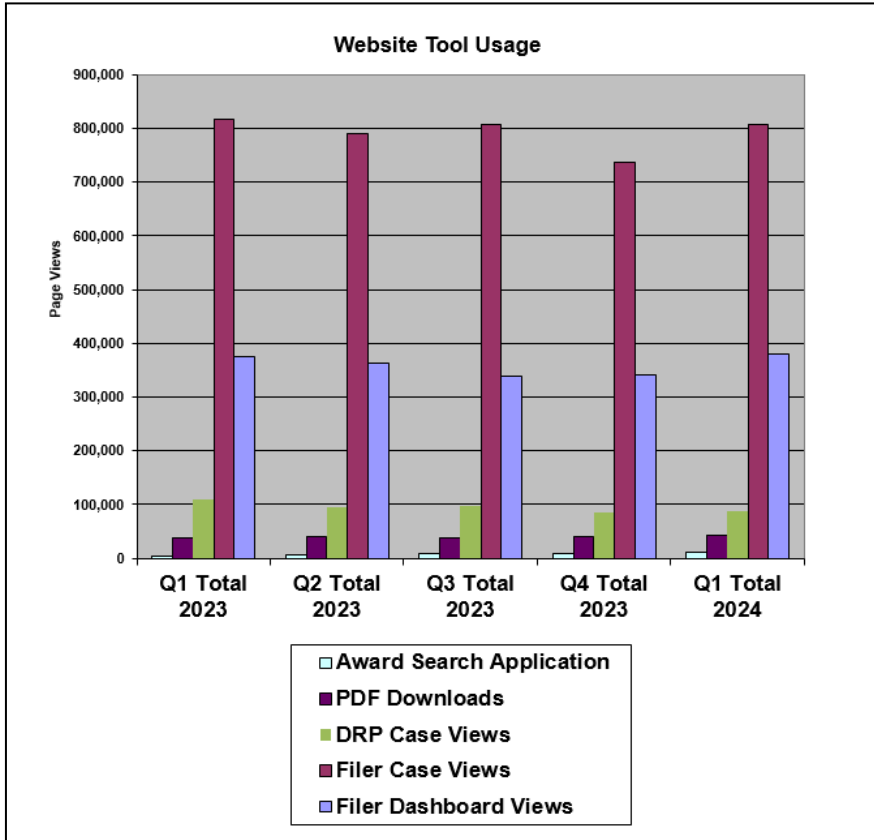
MEDICAL REVIEW ORGANIZATION REPORT

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	0	0	0	0	0	0
Rising Medical	0	0	0	0	0	0
SCS	2	0	2	0	2	0
Total	3	0	3	0	3	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.	184	54	88	46	72	14	73
Andolino, Michael D.	177	62	99	41	82	15	91
Campbell, Jennifer M.	171	66	82	45	88	12	91
Carnelli, Christopher M.	185	68	72	45	84	12	75
Cassella, Deborah M.	231	70	86	54	85	15	87
Croft, Douglas M.	190	44	98	40	94	15	75
Daniskas, Maria I.	146	64	98	51	96	8	78
Della Badia, Jr, Joseph	240	68	94	53	64	6	82
DeMarco, Jodi L.	171	67	85	56	71	9	102
Eisele-Grabowski, Karen	186	64	81	39	77	14	87
Fabiano, Edward	165	49	79	45	109	13	108
Finiello, Susanne N.	230	61	95	50	68	14	94
Frankland, Suzanne J.	234	60	79	39	79	6	88
Ganzhorn, Lisa A.	190	66	84	33	69	15	87
Garrabrandt, James H.	188	68	67	52	53	11	96
Gordon, Howard I.	239	70	101	40	58	9	76
Grabowski, David A.	130	69	63	43	74	12	89
Hackett, Michael	228	64	71	40	80	11	112
Hebron, Sylvia A	189	68	83	51	78	10	82
Johnston, Maureen M.	213	69	110	51	84	5	121
Kaiser, Brian K.	183	80	75	56	75	13	80
Karbasian, Carolyn K.	135	69	50	46	95	19	100
Keller, Grant W.	180	62	72	44	73	11	89
La Salle, Robert C.	216	70	61	44	86	9	66
LaPorta, David M.	163	74	68	52	82	8	92
Lardiere, Andrea L	166	71	62	52	62	13	82
Mundy, Lisa D.	172	63	65	43	95	14	92
Nardella, George C.	149	61	68	48	77	5	88
Noonan, Scott M.	197	49	80	46	61	13	93
O'Donnel, Jr., Kenneth L.	151	71	58	41	76	12	75
Patriaco, Andrew A.	184	67	99	44	70	11	89
Reis, Karen M.	195	64	88	47	66	12	64
Remington-Knodel, Jennifer	224	73	62	56	64	10	70
Riva, Joseph J.	122	22	53	31	63	6	64
Sacco, Russ	171	80	68	50	78	10	77
Stampone, Vincenzo	302	80	91	55	85	9	84
Suralik-Horvath, Michelle	207	69	94	52	86	6	91
Tamburino, Joseph A.	109	30	31	28	38	6	53
Tarrant, Tara D.	181	58	77	40	76	11	80
Vanderhoef, Kimberly A.	148	65	47	44	82	17	102
Voorhees, Gregory X.	216	68	97	52	86	10	93
Total	7658	2617	3181	1885	3141	451	3518

APPENDIX B

	IP Cases	IP Age (in days)	OTP Cases	OTP Age (in days)
Aloi, Anthony M.	400	181.92	44	67.52
Andolino, Michael D.	389	188.55	52	52.10
Campbell, Jennifer M.	404	210.06	51	59.96
Carnelli, Christopher M.	394	167.74	51	50.31
Cassella, Deborah M.	414	165.78	46	43.22
Croft, Douglas M.	397	223.23	43	71.81
Daniskas, Maria I.	416	214.72	49	54.24
Della Badia, Jr., Joseph	418	195.37	45	46.64
DeMarco, Jodi L.	392	200.13	50	59.86
Eisele-Grabowski, Karen	404	181.61	51	51.75
Fabiano, Edward	372	223.05	39	76.44
Finiello, Susanne N.	430	165.29	53	60.91
Frankland, Suzanne J.	439	197.08	51	54.00
Ganzhorn, Lisa A.	428	219.71	55	57.58
Garrabrandt, James H.	491	225.08	55	57.85
Gordon, Howard I.	400	135.70	56	54.75
Grabowski, David A.	341	205.80	57	72.09
Hackett, Michael	466	209.71	54	50.00
Hebron, Sylvia A	426	191.59	53	66.49
Johnston, Maureen M.	472	203.25	60	62.47
Kaiser, Brian K.	394	186.05	54	55.70
Karbasian, Carolyn K.	380	233.39	43	49.77
Keller, Grant W.	413	197.41	44	64.02
La Salle, Robert C.	445	210.68	51	48.18
LaPorta, David M.	382	215.17	53	48.47
Lardiere, Andrea L	458	200.23	55	68.67
Mundy, Lisa D.	427	177.17	48	50.90
Nardella, George C.	363	186.59	44	72.36
Noonan, Scott M.	475	279.85	41	58.66
O'Donnel, Jr., Kenneth L.	399	231.57	59	61.58
Patriaco, Andrew A.	404	230.36	54	63.80
Reis, Karen M.	389	172.66	43	52.67
Remington-Knodel, Jennifer	436	198.27	53	55.70
Riva, Joseph J.	230	197.99	22	94.32
Sacco, Russ	413	169.38	52	44.44
Stampone, Vincenzo	410	138.78	54	51.20
Suralik-Horvath, Michelle	417	184.82	61	58.54
Tamburino, Joseph A.	245	224.81	32	75.91
Tarrant, Tara D.	417	232.43	45	56.78
Vanderhoef, Kimberly A.	407	208.95	73	61.88
Voorhees, Gregory X.	449	183.44	64	63.81

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