

Kentucky Insurance Arbitration Association

TRAINING BULLETIN

KIAA Decision Errors

January 3, 2012

The KIAA was established pursuant to KRS 304.39-290 as a mechanism to assist KY licensed insurers and Qualified Self Insurers with their PIP subrogation disputes. The online PIP Arbitration System was released in August 2010 and provides a structured and formatted decision that is understandable and includes all essential information. The KIAA office reviews the decisions of arbitrators for correctible clerical and administrative errors only. In order to better assist and support our arbitrators and alternates, this bulletin will address some of the most common and recurring errors our staff is seeing.

Section I:

- ❖ The place of hearing is not identified; be sure to include your company name and address
- ❖ The arbitrator's name is listed incorrectly as an "attendee"; if no one attended indicate "none."
- ❖ All evidence provided is not listed and/or when evidence is listed as included it is not noted when there is a failure to provide it.
- ❖ It is not noted when the Respondent does not respond.

Section II:

- ❖ Loss date/time/location is missing from the claim description.
- ❖ Issues raised in each of the party's respective contentions have not been addressed.
- ❖ Failure to mention when the Respondent has conceded a portion of damages.

Section III:

- ❖ All issues raised have not been addressed.
- ❖ Failure to note when liability has been conceded.
- ❖ A clear explanation as to how decision was reached is not provided.

Section IV:

- ❖ Ruling in favor of the Respondent when they have not presented a counterclaim. If no damages are being awarded "prevailing party" is "none".
- ❖ Using Section IV Comments to reiterate liability or damage decision. This section is mainly for use to explain any difference between the amount claimed and the amount allowed; if there is not one it should be left blank.

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Please remember that the template is structured so as to provide a consistent, coherent decision. Use of the available tools including the hover feature, help text and arbitration user guide will direct you as to what information needs to be contained within each specific section.

Of course if you would like to discuss additional training or need other assistance, please do not hesitate to contact our office or visit our website.

Amanda Powell, AIC

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