

THE ADMINISTRATIVE HEARINGS OFFICE:

A FACT SHEET FOR PENNSYLVANIA CONSUMERS

Brought to you by the Pennsylvania Insurance Department

BEFORE THE HEARING

- A case begins in the Administrative Hearings Office when either a policyholder or company requests a hearing or appeals from a decision made by Consumer Services.

When an appeal comes into the Administrative Hearings Office (AHO), a presiding officer is assigned to manage the case. Your first correspondence from the AHO is a document, called an order, advising you of the name of the presiding officer. This is the person who makes pre-hearing decisions in the case and who presides over the hearing.

- The presiding officer is the person to whom you address written requests for postponements, requests for subpoenas and any other pre-hearing motions or requests concerning legal issues in the case. All written communications must be copied and made available to all parties involved in the proceedings. The presiding officer may not speak alone with any party in the case. If you want to speak to the presiding officer, all parties in the case must be present.

- Telephone calls and E-mail must go either to the hearings administrator or the assistant hearings administrator who either answers your question or directs the message to the presiding officer. A written response or order is copied to all parties. You also may request a telephone conference with the presiding officer and all the other participants.

- Before the hearing, you (or your attorney) need to prepare by gathering your documentation and making enough copies to give to the other side and the presiding officer, contacting any witnesses you intend to present at the hearing and making other preparations you believe are necessary.

This information sheet is designed to guide you through the basics of the hearing process for cases involving automobile and homeowner insurance policies. It is not intended as legal advice or as a substitute for any counsel an attorney may provide.

- You may choose to hire an attorney or represent yourself throughout the hearing process. Staff cannot advise you on this personal choice.

THE HEARING

The hearing is not as formal as a court hearing but is structured so that each side has a fair opportunity to be heard. A court reporter is present and witnesses are under oath.

- During the hearing, the representative and/or witnesses for the company first testify and present evidence. Then the policyholder may question the witnesses. It is a time for asking questions and not introducing new facts. The presiding officer also may question the witnesses.

- When the company is finished presenting its case, the policyholder may testify, have witnesses testify and introduce new facts and documentary evidence. The company has the opportunity to cross examine all the witnesses.

- At the end of the hearing, the presiding officer explains that each participant may reserve the right to file a brief. This is an optional written argument, which may be in letter form. The purpose of the brief is to try to persuade the Commissioner to decide in your favor.

- The procedure described above is similar for all cases involving automobile or homeowner insurance policies. Some minor variations may occur with each hearing. Any variation is explained by the presiding officer in each situation.

AFTER THE HEARING

- After the hearing, if you reserved the right to file a brief, you will receive a letter from the AHO informing you that the transcript has arrived and that a brief is due by a certain date. In the brief, you may argue why the facts introduced at the hearing through testimony and documents should lead to a decision in your favor. This is not a time to submit new facts and documents.
- After the briefing deadline, whether briefs are filed or not, a decision will be made by the Commissioner. If you have not reserved the right to file a brief, you do not need to do anything.

ADDITIONAL TIPS

- Save the directions to the hearings office so you can arrive on time. Travel instructions are mailed with every hearing notice and are available on the Department website at www.insurance.state.pa.us. Click on the button for Administrative Hearings.
- Bring copies of the documents you want to present in the hearing. Important items may include the notice that you are appealing, insurance declaration pages and other documents to support your position. Bring enough copies for each party and the presiding officer.
- Before the hearing, ask the hearings administrator or assistant hearings administrator questions if you do not understand something.
- During the hearing, you may ask the presiding officer questions if you need clarification.
- Review all submitted documentation prior to the hearing. Tell the presiding officer at the hearing if something is inaccurate.

- If you need to subpoena a witness, ask the AHO for a subpoena early enough to give time for the witness to be notified and to prepare for the hearing.
- You may bring a family member or friend with you to the hearing, but that person may not represent you.
- Generally, you are expected to present your entire case during the hearing. However, additional facts may be placed on the record after the hearing if a presiding officer grants a motion to keep the record open.
- If, after reading this brochure, you still have questions, please contact the hearings administrator or assistant hearings administrator with the Administrative Hearings Office at (717) 783-2126.
- When the Commissioner signs the final order, AHO personnel send a copy of the decision to the participants. After that, any party has fifteen (15) days to request a reconsideration and thirty (30) days to appeal to Commonwealth Court.
- It is important to remember that filing a request for reconsideration does not add time to the deadline for appealing to Commonwealth Court. If you want to appeal the decision to Commonwealth Court, you must do so within 30 days of the date of the decision even if you also request a reconsideration.

HOW TO CONTACT THE ADMINISTRATIVE HEARING OFFICE

Mailing Address

Administrative Hearings Office
901 North 7th Street
2nd Floor
Harrisburg, PA 17102

Telephone Number

717-783-2126

Facsimile Number

717-787-8781

E-mail Address

ra-hearings@state.pa.us