

MARYLAND INSURANCE ADMINISTRATION

MARYLAND INSURANCE	*	REVIEW OF A RECOMMENDED
ADMINISTRATION	*	DECISION ISSUED BY
<i>EX REL.</i> P.B. ¹ ,	*	JOCELYN L. WILLIAMS
Complainant	*	AN ADMINISTRATIVE LAW JUDGE
v.	*	OF THE MARYLAND OFFICE OF
GEICO,	*	ADMINISTRATIVE HEARINGS
Licensee	*	OAH No.: MIA-CC-33-22-28453
	*	MIA No.: MIA 2022-10-014
* * * * *		

FINAL ORDER

As a consequence of the Complainant’s failure to appear at the remote hearing scheduled January 23, 2023 at 1:00 p.m. and failure to respond to the Licensee’s motion for a default judgment, it is hereby, ORDERED that the attached Proposed Default Order by Administrative Law Judge (ALJ) Williams is approved by the Maryland Insurance Commissioner.

THEREFORE, it is hereby

ORDERED that the Proposed Default Order of ALJ Williams be adopted as the Commissioner’s Final Order, and it is further

ORDERED that the records and publications of the Maryland Insurance Administration reflect this decision.

¹ The Complainant is identified by initials only to preserve the confidentiality of the proceeding.

It is so **ORDERED** this 14th day of April, 2023.

KATHLEEN A. BIRRANE
Commissioner


signature on original

ERICA J. BAILEY
Associate Commissioner
Office of Hearings

MARYLAND INSURANCE
ADMINISTRATION *EX REL.* P.B.,¹

COMPLAINANT

v.

GEICO,
LICENSEE

* BEFORE JOCELYN L. WILLIAMS,
* ADMINISTRATIVE LAW JUDGE
* OF THE MARYLAND OFFICE
* OF ADMINISTRATIVE HEARINGS
* OAH No.: MIA-CC-33-22-28453
* MIA No.: 2022-10-014

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PROPOSED DEFAULT ORDER

On August 28, 2022, P.B. (Complainant) filed a complaint with the Maryland Insurance Administration (MIA) asserting that GEICO (Licensee) acted in bad faith in its handling of her claim. After investigating the complaint, the MIA notified the Complainant, on or about October 19, 2022, that it determined that the Licensee did not violate Maryland insurance law in the handling of her claim. On October 19, 2022, the Complainant requested a hearing to contest the MIA's determination and the MIA granted the Complainant's request for a hearing. On November 9, 2022, the MIA transmitted the matter to the Office of Administrative Hearings (OAH) to hold a contested case hearing and issue a proposed decision.²

On November 29, 2022, the OAH mailed a Notice of Hearing (Notice) to the Complainant at her address of record. The Notice stated that the hearing in this matter would be held on January 23, 2023, at 1:00 p.m., at the OAH, located at 11101 Gilroy Road, Hunt Valley, Maryland 21031. *See* Md. Code Ann., State Gov't § 10-208 (2021); Code of Maryland

¹ The Complainant is identified by her initials only to preserve the confidentiality of the proceeding.

² Under the relevant statute and regulations, the Insurance Commissioner may, on a case-by-case basis, delegate to the OAH the authority to issue: (a) proposed or final findings of fact; (b) proposed or final conclusions of law; (c) proposed or final findings of fact and conclusions of law; or (d) a proposed or final order. Md. Code Ann., State Gov't § 10-205(b) (2021); Code of Maryland Regulations (COMAR) 31.02.01.04-1A(2).

Regulations (COMAR) 31.02.01.05. The Notice further advised the Complainants that “failure to appear may result in a dismissal of your case or a decision against you.”

The United States Postal Service did not return the letter to the OAH as undeliverable. Under these circumstances, I find the Complainant received proper notice of the hearing. *See Maryland State Bd. of Nursing v. Sesay*, 224 Md. App. 432, 448 (2015) (“Generally, notice by mail is presumed to provide constitutionally sufficient notice.”); *see also* Md. Code Ann., State Gov’t § 10-208 (2021). In addition, the Complainant did not request a postponement of the matter. *See* COMAR 28.02.01.16.

On January 23, 2023, at 1:00 p.m., I convened the hearing as scheduled. Debra Decker, Trial Preparation Underwriter, for GEICO, appeared on behalf of the Licensee. Ms. Decker was prepared to proceed. The Complainant was not present for the hearing at the scheduled time, and no one was present on her behalf. After waiting more than twenty minutes past the scheduled hearing time, during which time neither the Complainant nor anyone representing her interests appeared, the Licensee made a Motion for Default against the Complainant. I took the Motion for Default under advisement, with a proposed written decision to follow.

The OAH Rules of Procedure are applicable to this proceeding. COMAR 28.02.01.01A; COMAR 31.02.01.01B. Those rules contemplate the issuance of a default order when a party fails to appear, stating:

If, after receiving proper notice . . . a party fails to attend or participate, either personally or through a representative, in a prehearing conference, hearing, or other stage of a proceeding, the [Administrative Law Judge] may proceed in that party’s absence or may, in accordance with the hearing authority delegated by the agency, issue a final or proposed default order against the defaulting party.

COMAR 28.02.01.23A; *see also* COMAR 31.02.01.10. The Complainant received proper notice of the hearing but failed to appear.


THEREFORE, I PROPOSE the following:

1. The Complainant is found in **DEFAULT**;
2. The MIA's determination that the Licensee did not violate Maryland insurance law is **UPHELD**;
3. All further proceedings in this matter are **TERMINATED** and a disposition of **DISMISSAL** is entered in this case;
4. The Complainant, or her representative may, within fifteen (15) days, file a written motion to modify or vacate this Proposed Default Order with the Hearing and Appeals Coordinator, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, Maryland 21202. The written motion must state the grounds for the request. COMAR 28.02.01.23D; COMAR 31.02.01.09-1B(4); COMAR 31.02.01.10G. If good cause is not shown to excuse the default, the Proposed Default Order will be affirmed as the final order, and the denial of the complaint against the Licensee will stand. COMAR 31.02.01.10H(2); and
5. Any motion requesting that the Proposed Default Order be vacated or modified must include a certificate of service indicating that a copy of the written motion was mailed, postage prepaid, to the Licensee's representative: Debra Decker, GEICO, One GEICO Boulevard, Fredericksburg, Virginia 22412

January 26, 2023
Date Order Mailed

JLW/ja
#263070

signature on original



Jocelyn L. Williams
Administrative Law Judge

Copies Mailed To:

Complainant

Debra Decker, Trail Preparation Underwriter
Government Employees Insurance Company
One GEICO Boulevard
Fredericksburg, VA 22412