

MARYLAND INSURANCE ADMINISTRATION

MARYLAND INSURANCE	*	REVIEW OF A RECOMMENDED
ADMINISTRATION	*	DECISION ISSUED BY
<i>EX REL.</i> K.B. ¹	*	WILLIS GUNTHER BAKER
Complainant	*	AN ADMINISTRATIVE LAW JUDGE
v.	*	OF THE MARYLAND OFFICE OF
GEICO CASUALTY	*	ADMINISTRATIVE HEARINGS,
COMPANY,	*	OAH No.: MIA-CC-33-23-11109
Licensee	*	MIA No.: MIA 2023-03-045

* * * * *

FINAL ORDER

As a consequence of the Complainant’s failure to file a response to the Proposed Default Order in the above-captioned case, it is hereby, ORDERED that the attached Proposed Default Order by Administrative Law Judge (“ALJ”) Gunther Baker is approved by the Maryland Insurance Commissioner.

On June 26, 2023, ALJ Gunter Baker issued a Proposed Default Order stating that the Office of Administrative Hearings (“OAH”) provided a Notice of Hearing (“Notice”) to K.B. (“Complainant”) by United States Postal Service (“USPS”) on May 12, 2023. I find it necessary to clarify that the Notice was provided to the Complainant on May 1, 2023. Otherwise, I find that the

¹In the interest of confidentiality, initials are used in place of the Complainant’s name.

Notice was proper and sent to the correct address on record with the OAH.

THEREFORE, it is hereby

ORDERED that the Proposed Default Order and legal analysis of ALJ Gunther Baker 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.

It is so **ORDERED** this 3rd day of August, 2023.

KATHLEEN A. BIRRANE

Commissioner

signature on original

ERICA J. BAILEY

Associate Commissioner for Hearings

KAHILA BRAYBOY,
COMPLAINANT

v.

GEICO CASUALTY COMPANY,
LICENSEE

* BEFORE WILLIS GUNTHER BAKER,
* AN ADMINISTRATIVE LAW JUDGE
* OF THE MARYLAND OFFICE
* OF ADMINISTRATIVE HEARINGS
* OAH No.: MIA-CC-33-23-11109
* MIA No.: 2023-03-045

* * * * *

PROPOSED DEFAULT ORDER

On December 29, 2022, Kahila Brayboy (Complainant) filed a complaint against GEICO Surety Company (Licensee) with the Maryland Insurance Administration (MIA) alleging that the Licensee erred in the charges it applied when a vehicle was added to her policy. The MIA investigated the complaint but found no violations of Maryland insurance law. On March 27, 2023, the Complainant requested a hearing. On April 12, 2023, the MIA transmitted the matter to the Office of Administrative Hearings (OAH) for a contested case hearing. In its transmittal, the MIA delegated to the OAH authority to issue a proposed decision.¹

Accordingly, on May 12, 2023, the OAH provided a Notice of Hearing (Notice) to the Complainant by United States Postal Service (USPS) to the Complainant's address on record with the OAH. COMAR 28.02.01.05C(1). The Notice stated that a hearing was scheduled for June 16, 2023, at 1:00 p.m., at the OAH at 11101 Gilroy Road, Hunt Valley, Maryland, 21031. The Notice further advised the Complainant that failure to attend the hearing might result in "a decision against you."

¹ The Insurance Commissioner may delegate to the OAH the authority to conduct a contested case hearing and 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. Code of Maryland Regulations (COMAR) 31.02.01.04-1A.

The USPS did not return the Notice to the OAH. The Complainant did not notify the OAH of any change of mailing address. COMAR 28.02.01.03E. The Complainant made no request for postponement prior to the date of the hearing. COMAR 28.02.01.16. I conclude that the Complainant received proper notice of the hearing. COMAR 28.02.01.05A, C.

On June 16, 2023, I convened a hearing at the OAH in Hunt Valley, Maryland, as scheduled, at which time neither the Complainant nor anyone authorized to represent the Complainant appeared. Debra Decker, Trial Preparation Underwriter, appeared on behalf of the Licensee and was prepared to proceed. I consulted with the OAH docket specialist, who indicated that neither the Appellant nor anyone authorized to represent the Appellant had contacted the OAH. After waiting twenty minutes, during which time neither the Complainant nor anyone authorized to represent the Complainant appeared for the hearing as scheduled, the Licensee moved for Default against the Complainant.

THEREFORE, I **PROPOSE** the following:

1. The Complainant is in **DEFAULT**;
2. All further proceedings in this matter are **TERMINATED**, and a disposition of **DISMISSAL** is entered against the Complainant;
3. The Complainant or the Complainant's representative may file, within fifteen (15) days with the Hearing and Appeals Coordinator, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, Maryland 21202, a written motion to modify or vacate this Proposed Default Order, stating 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 Complainant's complaint against the Licensee will stand. COMAR 31.02.01.10H(2); and

4. 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 Debra Decker, GEICO Trial Preparation Underwriter, One GEICO Boulevard, Fredericksburg, Virginia 22412.

June 26, 2023
Date Order Issued

WGB/ej
#205777


Copies Mailed to:

Complainant

Debra Decker
Trial Preparation Underwriter
Government Employees Insurance Company
One GEICO Boulevard
Fredericksburg, VA 22412-0001

Don Robinson
Government Employees Insurance Company
One GEICO Boulevard
Fredericksburg, VA 22412

signature on original


Willis Gunther Baker
Administrative Law Judge