

FAQs

HEARING RIGHTS AND PROCEDURES FOLLOWING A DETERMINATION BY THE MARYLAND INSURANCE ADMINISTRATION



Question 1:

I filed a complaint with the Maryland Insurance Administration (“MIA”) concerning the actions of an insurance company. I received a letter from the MIA that said that the MIA had concluded its investigation of my complaint, that the insurance company did not violate the law, and that I have a right to a hearing. What do I do now?

Answer:

If you disagree with the MIA’s decision, you have the right to request a hearing. Along with the letter, you should have received a Hearing Request Form. If you would like to request a hearing, you may fill out the form, sign it and return it to the MIA, or send a letter to the MIA requesting a hearing. The MIA must receive your request for a hearing no later than 30 days after the date of the MIA’s letter. Your request must explain why you want a hearing, what relief you are seeking, and why you believe you are entitled to that relief. You may also attach any documents that support your complaint.

Question 2: What if the 30th day is on a Saturday, Sunday, holiday or day that the MIA is closed?

Answer:

The 30th day would be considered to fall on the next day that is not a Saturday, Sunday, holiday or day that the MIA is closed.

Question 3: Do I have to pay a fee if I request a hearing¹?

Answer: No.

¹ This document does not apply to cases where you are protesting the cancellation or nonrenewal of your automobile insurance policy or the amount of an increase to your automobile insurance premium. In those cases, the letter you receive from the MIA will give you the details on how to file your appeal.

FAQS - CONTINUED

Question 4: After I send in my request for a hearing, what will happen next?

Answer: The MIA will review the written request for a hearing to make sure:

1. That it was received on time.
2. That it:
 - a. Explained why you want a hearing;
 - b. Explained what relief you want; and
 - c. Explained why you should get that relief.

A hearing will be granted unless:

1. The Insurance Commissioner does not have the authority to hear your case;
2. The request is frivolous or made in bad faith;
3. The request does not contain all the required information;
4. The request is not received on time; or
5. The issue has been resolved. If your request is not received within 30 days, you will receive a letter denying your request for a hearing. You have the right to appeal the denial of the hearing to a circuit court. The procedure to appeal will be explained in the denial letter.

Question 5: Where will my hearing be held?

Answer: The Notice of Hearing for your case will tell you where the hearing will be held.

If your hearing is in person, your hearing either will be held at the MIA offices at 200 St. Paul Place, 24th Floor, Baltimore City, Maryland 21202, or at one of the branch offices of the Office of Administrative Hearings (“OAH”), which will be specified on the Notice of Hearing.

Please carefully refer to the Notice of Hearing for the place and time for your hearing.

Do not lose your Notice of Hearing because it contains important information that you need. The OAH branch offices are located at:

Administrative Law Building
11101 Gilroy Road
Hunt Valley, MD 21031

W. Paul Martin District Court
Multi-Service Center
201 Baptist Street
Salisbury, MD 21801

Cumberland Office District Court
3 Pershing Street
Cumberland, MD 21502

Wheaton Office
10400 Connecticut Avenue, Suite 208
Kensington, MD 20895



200 St. Paul Place, Suite 2700, Baltimore, MD 21202
410-468-2000 | 800-492-6116 (Toll-Free)

FAQS - CONTINUED

Question 6: Why are some hearings at OAH and not at the MIA?

Answer: The Insurance Commissioner receives a large number of requests for hearings every year and strives to ensure a fair and timely resolution of each hearing. The Insurance Commissioner may hold the hearing or may delegate that responsibility to the Deputy Commissioner, an Associate Deputy Commissioner or an Associate Commissioner. In addition, the Insurance Commissioner may delegate your hearing to OAH to be heard by an Administrative Law Judge.

Question 7: Can I choose whether my hearing is held at the MIA or OAH?

Answer: No. The Insurance Commissioner determines whether the case will be heard at the MIA or OAH.

OAH is an independent state agency that was created by the Maryland Legislature to provide an additional forum to resolve contested decisions made by Maryland agencies. OAH's Administrative Law Judges hear cases involving a wide variety of areas of administrative law. The Insurance Commissioner may delegate a contested matter to OAH. If your hearing is scheduled to take place at OAH, please refer to the following link for additional information: <http://www.oah.maryland.gov/>

Please click on the link to "OAH Videos" and view the video labeled "[Representing Yourself at an OAH Hearing.](#)"

If your hearing is held at the MIA, it will be heard by the Insurance Commissioner, the Deputy Commissioner, the Associate Deputy Commissioner or an Associate Commissioner. If your hearing is heard at one of the OAH locations, it will be heard by an Administrative Law Judge.

The MIA and the OAH are also able to conduct remote hearings using a video conference platform.



FAQS - CONTINUED

Question 8: What if I cannot attend the hearing on the date it is scheduled?

Answer: You can request a postponement of your hearing in writing to the hearing officer at either the MIA or OAH, depending on where your hearing is scheduled to take place. A postponement may be granted at the hearing officer's discretion if you ask for it at least 15 days before your hearing. If you ask to postpone your hearing less than 15 days before the hearing date, it only will be postponed if you show good cause for a postponement. Either way, you should attach documentation and show a good reason to postpone your hearing. Documentation should support the reason that you cannot attend the hearing on the scheduled date, such as a physician's note if there is a medical reason, flight information if you have prearranged travel plans, or other proof of a scheduling conflict. The instructions for requesting a postponement are in the Notice of Hearing that you received. Please carefully review those instructions and make sure that you send your request to the proper address.

Question 9: Is the hearing accessible to people with disabilities?

Answer: Yes. Please refer to your Notice of Hearing for instructions on whom to contact, depending on whether your hearing is at the MIA or OAH.

Question 10: What if I need an interpreter?

Answer: An interpreter will be assigned to your hearing, upon request. Please refer to your Notice of Hearing for instructions on whom to contact, depending on whether your hearing is at the MIA or OAH.

Question 11: Once the hearing is scheduled, am I prevented from settling my case?

Answer: No. You should feel free to discuss settling your case with the other party. If you are able to settle your case, please inform the MIA or OAH in writing, depending on whether your hearing was scheduled to take place at the MIA or OAH.

FAQS - CONTINUED

Question 12: Do I need to do anything before the hearing?

Answer: Yes.

FOR A CASE AT THE MIA:

A preliminary conference call will typically be scheduled in advance of the hearing date. The purpose of the scheduling conference is to have a preliminary discussion about the following:

- Factual and legal issues,
- Order of presentation and burden of proof,
- Identification and exchange of documentary evidence,
- Identification of anticipated witnesses,
- Schedule for dispositive motions and arguments,
- Pre-hearing submissions,
- Determining whether the hearing will be held in person or held remotely by video conference,
- Scheduling the hearing date; and
- Any other matters that will promote the orderly and prompt conduct of the hearing.

If you are unable to participate in the scheduling phone conference due to a conflict, contact the Office of Hearings to reschedule:

Email: appealsclerkcontacts.mia@maryland.gov

Phone: 410-468-2018

If your hearing will be held remotely, you will also receive instructions in advance of the case for how to log into the video conference software.

For additional information, please consult the [Guide to Hearings at the Maryland Insurance Administration for Non-Attorneys](#).

FOR A CASE AT OAH:

Please refer to a list of frequently asked questions available on OAH's website at <http://www.oah.state.md.us/faq.asp>. OAH's Administrative Office is at 11101 Gilroy Road, Hunt Valley, MD 21031, and the general telephone numbers are 410-229-4100 and 800-388-8805.



200 St. Paul Place, Suite 2700, Baltimore, MD 21202
410-468-2000 | 800-492-6116 (Toll-Free)

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Question 13: Do I need an attorney?

Answer: Although an individual is not required to have an attorney and may represent himself or herself at the hearing, it may be helpful to retain an attorney, since most insurance companies will be represented by an attorney. An individual who chooses not to represent him or herself may only be represented by someone who is licensed to practice law in Maryland.

- Under the law, an insurance company must be represented either by an attorney or by an employee of the insurance company who is employed in claims or underwriting.
- A business entity (including a corporation, partnership, limited liability company, or sole proprietorship), that qualifies as a small employer may authorize the following to represent it in a hearing:
 - For a corporation, an officer of the corporation or an employee designated by an officer of the corporation;
 - For a partnership, a partner in the partnership or an employee designated by a partner;
 - For a limited liability company, a member of the limited liability company or an employee designated by a member of the limited liability company; and
 - For a sole proprietorship, an employee designated by the owner of the sole proprietorship.

Additionally, **prior to the date of the hearing**, the business entity must provide the following:

1. Proof to the Commissioner, including but not limited to an affidavit, that it meets the definition of a small employer as that term is defined in Section 31101 of the Insurance Article. "Small employer" means an employer that, during the preceding calendar year, employed an average of not more than 50 employees, and
2. In the case of a designated employee, sworn documentation, including but not limited to an affidavit, demonstrating that the designated employee:
 - a. Has power of attorney,
 - b. Is an authorized agent of the business entity, and
 - c. Has authority to bind the business entity on matters pending before the Maryland Insurance Commissioner.

See the hyperlink document to a sample affidavit and a sample power of attorney.

A business entity that does not qualify as a small employer must be represented by an attorney.

FAQS - CONTINUED

Question 14: What happens at the hearing?

Answer: Whether your hearing is at the MIA or OAH, the hearing will start with opening statements from both sides. If, under the law, you must prove that the insurance company violated the Maryland Insurance Article, then you will go first and have the chance to call witnesses and introduce documents. This is your chance to tell your story under oath and to explain what you want to happen. The lawyer representing the insurance company will have a chance to ask questions of you and any witnesses you bring. Once you finish your side of the case, the insurance company may present witnesses. You, or your attorney if you have retained one, will have a chance to ask those witnesses questions. At the end of the hearing, both sides will have a chance to make a closing argument. Generally, you will have the burden to prove your case at the hearing. The insurer will have the burden of proof only in cases where the statute or regulation at issue specifically gives the burden of proof to the insurance company.

Question 15: What happens if I do not attend the hearing?

Answer: The hearing may proceed without the defaulting party or a default order may be entered against the defaulting party. A default means that the decision will be against the defaulting party.

Question 16: Will a decision be made at the time of the hearing?

Answer: A decision is not usually made at the time of the hearing, unless it is a default order, which may be made at the time of the hearing. Generally, you will receive a written decision within 30 days after the evidence closes for the hearing.



FAQS - CONTINUED

Question 17: What if I disagree with the decision?

Answer: If your hearing took place at OAH, you will have an opportunity to file exceptions. Please refer to the Proposed Decision that you receive from OAH for instructions on how to file an exception and how to order a transcript of the hearing if that is something you would like to do.

If your hearing took place at the MIA, then the Commissioner's decision is final and you have the right to appeal the decision to a circuit court. Your right to appeal will be explained to you in the written decision and is referred to as a right to file a petition for judicial review.

If you did not appear at the hearing, the hearing officer or Administrative Law Judge may enter a default order finding that your Complaint is denied and the MIA's decision is affirmed. The default order will be sent to you by certified mail after it is entered. If you disagree with the default order, then there are special instructions that you must follow to seek to get the default order vacated or modified. These instructions are included in the default order.

Visit our website for additional information about Hearings:
<https://qrco.de/miahearings>

