

**MARYLAND INSURANCE ADMINISTRATION**

MARYLAND INSURANCE	*	REVIEW OF A RECOMMENDED
ADMINISTRATION	*	DECISION ISSUED BY
<i>EX REL.</i> K.W. <sup>1</sup> ,	*	RACHAEL BARNETT
Complainant	*	AN ADMINISTRATIVE LAW JUDGE
v.	*	OF THE MARYLAND OFFICE OF
GEICO SECURITY INSURANCE	*	ADMINISTRATIVE HEARINGS
COMPANY,	*	OAH No.: MIA-CC-33-22-19804
Licensee	*	MIA No.: MIA 2022-08-006

\* \* \* \* \*

**FINAL ORDER**

As a consequence of the Complainant’s failure to attend the scheduled OAH hearing on the above matter, the Proposed Default Order in the above-captioned case, it is hereby, ORDERED that the attached Proposed Default Order by Administrative Law Judge (ALJ) Barnett is approved by the Maryland Insurance Commissioner.

**THEREFORE**, it is hereby

**ORDERED** that the Proposed Default Order of ALJ Barnett 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.

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<sup>1</sup> The Complainant is identified by initials only to preserve the confidentiality of the proceeding.

It is so **ORDERED** this 3<sup>rd</sup> day of April, 2023.

**KATHLEEN A. BIRRANE**

Commissioner

signature on original

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Erica J. Bailey, Hearing Officer  
Office of Hearings

<p><b>K.W.,</b></p> <p><b>COMPLAINANT</b></p> <p><b>v.</b></p> <p><b>GEICO SECURITY INSURANCE</b></p> <p><b>COMPANY,</b></p> <p><b>LICENSEE</b></p>	<p><b>* BEFORE RACHAEL BARNETT,</b></p> <p><b>* AN ADMINISTRATIVE LAW JUDGE</b></p> <p><b>* OF THE MARYLAND OFFICE</b></p> <p><b>* OF ADMINISTRATIVE HEARINGS</b></p> <p><b>* OAH No.: MIA-CC-33-22-19804</b></p> <p><b>* MIA No.: 2022-08-006</b></p>
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**PROPOSED DEFAULT ORDER**

On June 30, 2022, the Complainant filed a complaint against GEICO Security Insurance Company (Licensee) with the Maryland Insurance Administration (MIA) alleging that the Licensee’s actions in failing to honor a premium payment plan caused the Complainant to incur a fee through the Motor Vehicle Administration. The MIA investigated the complaint but found no violations of Maryland insurance law. On July 28, 2022, the Complainant requested a hearing. On August 18, 2022, 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.<sup>1</sup>

On August 22, 2022, the OAH provided a Notice of Hearing (Notice) to the Complainant by United States mail 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 October 7, 2022, at 1:00 p.m., at the OAH, 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.”

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<sup>1</sup> 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 United States Postal Service 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 October 7, 2022, 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<sup>2</sup> appeared on behalf of the Licensee and was prepared to proceed. I waited fifteen minutes, during which time the Complainant failed to appear, and 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,

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<sup>2</sup> Ms. Decker has a Power of Attorney on file with the OAH.

postage prepaid, to Debra Decker, GEICO, One GEICO Boulevard, Fredericksburg, Virginia  
22412.

October 12, 2022  
Date Order Mailed

RAB/at  
#201244

**signature on original**

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Rachael Barnett  
Administrative Law Judge

**Copies Mailed To:**

Complainant

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

Scott Markel, Vice President  
Government Employees Insurance Company  
One GEICO Boulevard  
Fredericksburg, VA 22412-0001

