

How to Challenge a Deferment

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Deferment Challenge Basics



Deferments can be challenged by any party. Once challenged, it will immediately go to hearing where an arbitrator will rule on it. In cases where Jurisdictional Exclusions (JE) are raised with a deferment, the Jurisdictional Exclusion is heard first and a ruling is made.

A deferment challenge ruling has one of two outcomes:

**Deferment
Allowed**

**Deferment
Not Allowed**

[\(Learn more about an Allowed/Not Allowed ruling\)](#)



Jurisdictional Exclusions



When a Jurisdictional Exclusion (JE) is raised with a deferment and then challenged by a party, the case goes to hearing to resolve the Jurisdictional Exclusion first.

Jurisdictional Exclusion rulings have one of two outcomes:

**In
Jurisdiction**

**Out of
Jurisdiction**

[\(Learn more about In or Out of Jurisdiction rulings\)](#)



Jurisdictional Exclusion Ruling Outcomes



In Jurisdiction

The case is considered **in jurisdiction** and proceeds to hearing again on the Deferment Challenge and ruled on.

[\(See Deferment Challenge Ruling Outcomes\)](#)

Out of Jurisdiction

The case is considered **out of jurisdiction** as lacking jurisdiction and is withdrawn.



Deferment Challenge Ruling Outcomes



Deferment Allowed

The case will be restored to deferred status for one year from the deferment request date, and the parties will be notified.

No further action is needed until the deferment expires. Once expired, parties may need to **resubmit** a case for it to proceed to hearing.

Deferment Not Allowed

The parties are notified. Parties may be required to **resubmit** a case for it to proceed to hearing. This additional step will depend on how the original case was submitted (Initial or Final Case Submission).


[\(Learn more about Case Submission Types\)](#)



Terms & Definitions

The terms and definitions on this page are intended to help parties distinguish between cases that have an Initial Submission from those with a Final Submission.

Initial Submission

An initial submission is when a deferment is **added with or during** the initial case and is requested **prior** to selecting the **Submit** tab  .



When a deferment ends, this submission type requires the case to be resubmitted to be viewable by the arbitrator. Parties can simply review case details, amend the case to include new information, or edit information previously entered.

Final Submission

A final submission is when a deferment is added **AFTER** the Submit tab  is selected.



When a deferment ends, this submission type does not allow parties to amend previously entered information into the case. The case and the original information entered remains final and cannot be changed.



Case Status Options

When a deferment ends, the case status will change. If the status of the case changes to pending/in progress, it must be resubmitted for it to proceed to hearing. If not, no action is required.

Case Status

F	Collision 2019 FORD Claim #: CLC-ALPHA	Pending
R	Collision 2019 MERCURY Claim #: 46537196 79ASDF	In Progress

Resubmit is required.



Case Status

F	Collision 2020 HONDA Claim #: A	Submitted
R	Collision 2019 HONDA Claim #: 2B	Submitted

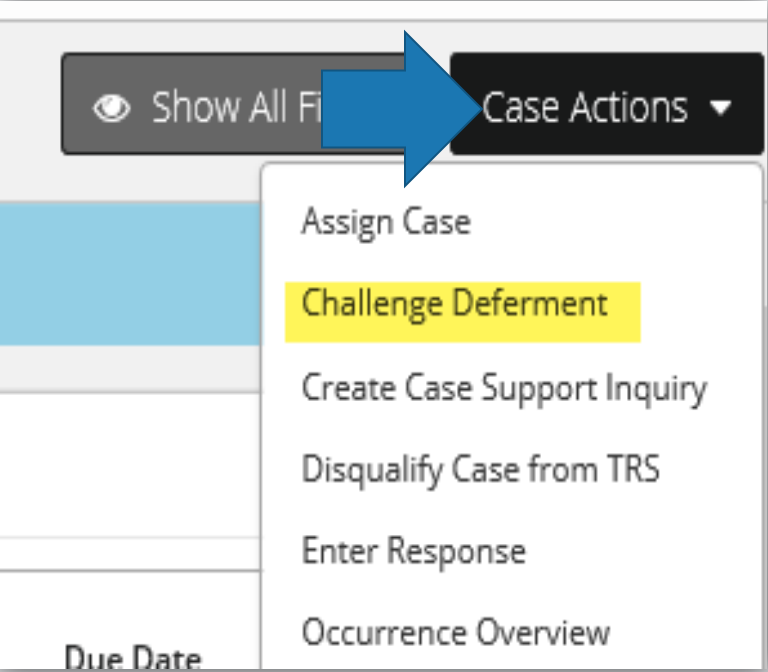
Resubmit is not required.



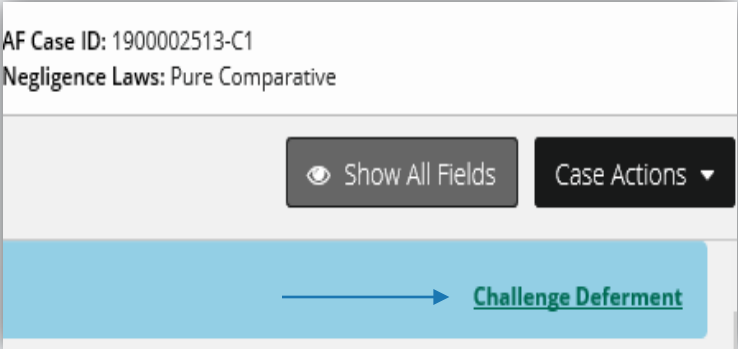
Three Ways to Challenge a Deferment

There are three ways parties can challenge a deferment. They are:

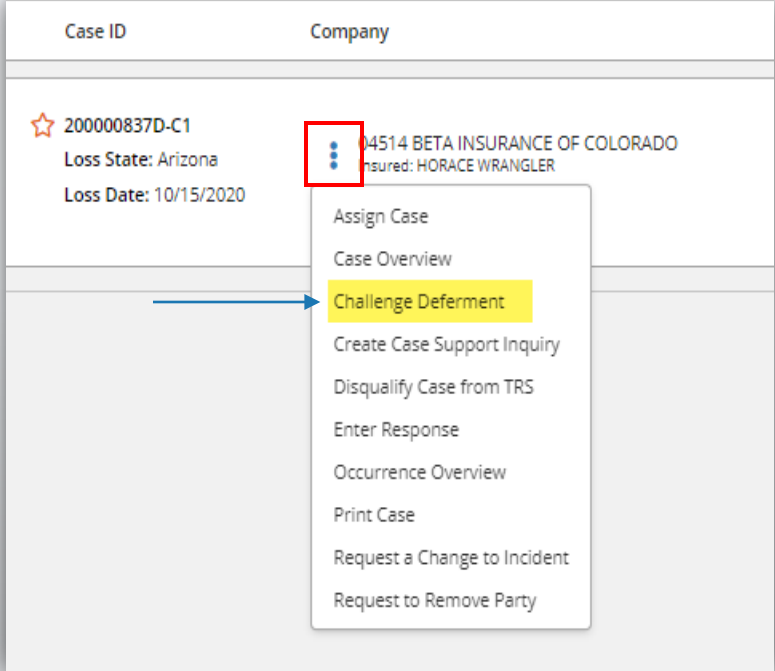
Case Summary: Case Actions Challenge Deferment



Case Summary: Challenge Deferment Link



Worklist Ellipsis Drop-Down Menu Challenge Deferment

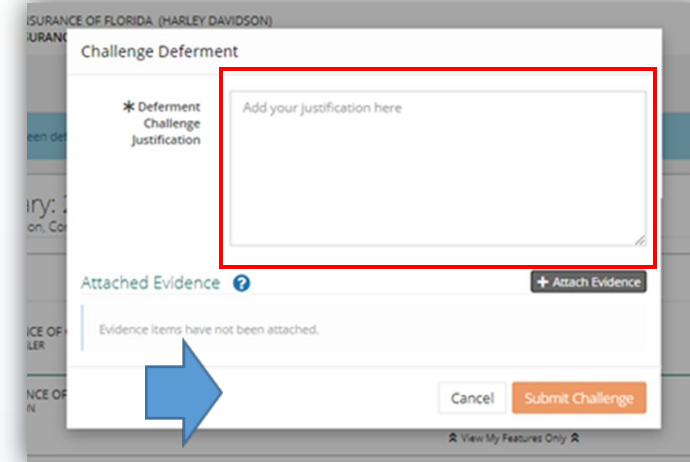




Deferment Challenge Justification



After selecting a Challenge Deferment option, a dialog box will appear. Enter a justification, attach evidence, and select the **Submit Challenge** button.



Once the deferment justification challenge is submitted, a blue banner will appear stating the deferment and challenge will be immediately reviewed by an arbitrator.

Deferment Challenged: The deferment and challenge will be reviewed by an arbitrator. You will be notified of their ruling.

An email notification will also be sent.



Completing workflow steps is not required at this stage. You will have an opportunity to complete steps once the case is no longer deferred.

Send Date: 06/10/2021 12:34:28 PM

Subject: Your File Number: 6102021A; Case Deferment Challenged; Your Insured: TAYLOR SWIFT; AF Case Number: A2100009697-C1

This serves as notice that a deferment on your case has been challenged. The challenge will be sent immediately to an arbitrator for ruling on the deferment.

Case Information:

AF Case Number: A2100009697-C1
Your File Number: 6102021A
Your Insured: TAYLOR SWIFT
Date of Loss: 06/01/2021



Deferment Ruling Notification



A notification will be sent when the ruling is made.

If the deferment is **not allowed** (challenge successful), it will end. To view the deferment decision, click the link provided.

From: notifications@arbfile.org

Send Date: 06/10/2021 12:45:58 PM

Subject: Your File Number: 692021A-BEFORE; Case Deferment Ended; Your Insured: AXE FOLEY; AF Case Number: A210000966F-C1

This is your notice that a deferment on your case has ended.

Case Information:
 AF Case Number: A210000966F-C1
 Your File Number: 692021A-BEFORE
 Your Insured: AXE FOLEY
 Date of Loss: 04/08/2021
 Loss State: AZ

Deferment Information:
 Party Requesting the Deferment: 04513 - ALPHA INSURANCE OF FLORIDA (AXE FOLEY)
 Deferment Reason: Pending Litigation

You can view additional case details using the following link:
<https://trsuat08.arbfile.org/trs/web/overview/38291>

Select **Decisions** from the Case Summary page.

Evidence Manager

Summary

Incident Details

Decisions

Decision Summary : A210000966F-C1-D2

Deferment

Liability

ALPHA INSURANCE OF FLORIDA (AXE FOLEY)

BETA INSURANCE OF COLORADO (CHUCK BERRY)

☆ Case Summary: A210000966F-C1
 Coverage Group: Collision, Comprehensive/OTC

Company

- 04513 ALPHA INSURANCE OF FLORIDA
Insured: AXE FOLEY
- 04514 BETA INSURANCE OF COLORADO
Insured: CHUCK BERRY



Deferment Ruling – Not Allowed



Under **Findings**, the deferment ruling can be found along with the arbitrator justification.

Findings

Deferment

Deferment by: ALPHA INSURANCE OF FLORIDA (AXE FOLEY)

Deferment Allowed: No

Justification: The deferment is not allowed. An arbitration decision has no effect on a civil suit for property damage. The court does not recognize informal arbitration or any decisions thereof.

If the deferment is **not allowed** (challenge successful), it will end, and the case status will change to **Pending**. Parties will complete workflow steps and submit a case to hearing on liability and/or damages.

⋮	04513 ALPHA INSURANCE OF FLORIDA Insured: AXE FOLEY	F	Collision 2019 HONDA Claim #: 692021A-BEFORE	Pending	⋮
<hr/>					
	04514 BETA INSURANCE OF COLORADO Insured: CHUCK BERRY	R	Collision 2019 HONDA Claim #: 692021B	Pending	



Deferment Ruling – Allowed



Under **Findings**, the deferment ruling can be found along with the arbitrator justification.

If the deferment **is allowed** (challenge unsuccessful), the case will be restored to deferred status for one year from the deferment request date, and the parties will be notified.

Findings

Deferment

Deferment by: ALPHA INSURANCE OF FLORIDA (MALIN BAKER)

Deferment Allowed: Yes

Justification: The Deferment is allowed because an injury lawsuit is pending.

The case status will remain as **Deferred**.

Company	Feature	Claim Rep	Due Date	Status
04513 ALPHA INSURANCE OF FLORIDA Insured: MALIN BAKER	F Collision 2020 TOYOTA Claim #: 692021A-AFTER	CINDY CALHOUN		Deferred - Submitted
04514 BETA INSURANCE OF COLORADO Insured: CHARLES FISHBURN	R Collision 2020 TOYOTA Claim #: 692021B2			Deferred - In Progress

[View My Features Only](#)

No further action is needed until the deferment expires. Once expired, parties may need to resubmit a filing or response for it to proceed to hearing.



Member Support



For questions on **how to withdraw a deferment** or other TRS workflows, please contact Member Services at **866-977-3434.**





Additional Resources

[Click here to learn how to request a deferment.](#)

[Click here to learn how to withdraw a deferment.](#)

