

NEW JERSEY  
**INDIVIDUAL HEALTH COVERAGE PROGRAM**

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IN THE MATTER OF APPEAL BY  
UNITED STATES LIFE INSURANCE  
COMPANY OF THE CITY OF NEW YORK  
OF ITS LOSS ASSESSMENTS  
BY THE INDIVIDUAL HEALTH COVERAGE  
PROGRAM BOARD OF DIRECTORS  
FOR THE 1993, 1994, 1995, 1996, AND 1997/1998  
CALCULATION PERIODS

**ADMINISTRATIVE ORDER NO. 01-01**

WHEREAS, by letter dated December 14, 1999, the United States Life Insurance Company of New York ("U.S. Life") appealed from its proportional share of the 1997/1998 loss assessment issued by the Individual Health Coverage Program Board of Directors ("IHC Board") on November 19, 1999 and amended by the interim assessment issued on June 23, 2000; and

WHEREAS, by letter dated February 7, 2001, U.S. Life requested that its appeal from the 1997/1998 loss assessment be deferred pending final resolution of In the Matter of the New Jersey Individual Health Coverage Program's Readoption of N.J.A.C. 11:20-1 et seq., Docket No. A-566-98T1, now pending in Superior Court of New Jersey, Appellate Division; and

WHEREAS, in the letter dated February 7, 2001, U.S. Life also appealed, for the first time, from its proportional share of the 1993, 1994, 1995, and 1996 loss assessments, issued by the IHC Board on July 11, 1994, November 21, 1995, June 12, 1996, and December 15, 1997, respectively; and

WHEREAS, the IHC Board, at its meeting of April 10, 2001, voted to defer consideration of U.S. Life's appeal from the 1997/1998 loss assessment pending the outcome of the appeal pending in the Appellate Division; and

WHEREAS, the IHC Board, at its meeting of April 10, 2001, voted to defer consideration of U.S. Life's appeal from the 1993, 1994, 1995, and 1996 loss assessments pending the outcome of the appeal pending in the Appellate Division; and

WHEREAS, the IHC Board, at its meeting of April 10, 2001, voted to defer its determination of whether U.S. Life's appeal of the 1993, 1994, 1995, 1996, and

1997/1998 loss assessments involve issues of disputed fact that require transmittal to the OAL as a contested case;

NOW THEREFORE, pursuant to the authority granted to the IHC Board by N.J.S.A. 17B:27A-2 et seq., N.J.A.C. 11:20-1 et seq., and all powers expressed or implied therein, and the decision of the IHC Board as expressed by this Administrative Order,

IT IS on this 4th day of June, 2001,

ORDERED that a determination with regard to U.S. Life's Appeal of its 1997/1998 assessment and Request for a Hearing, and the determination of whether there are genuine issues of material fact that require a contested case hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., are hereby deferred pending resolution of the matter captioned In the Matter of the New Jersey Individual Health Coverage Program's Readoption of N.J.A.C. 11:20-1 et seq., Docket No. A-566-98T1; and

IT IS FURTHER ORDERED that determinations with regard to U.S. Life's Appeal of its 1993, 1994, 1995 and 1996 assessments and Request for a Hearing, and the determination of whether there are genuine issues of material fact that require a contested case hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., are hereby deferred pending resolution of the matter captioned In the Matter of the New Jersey Individual Health Coverage Program's Readoption of N.J.A.C. 11:20-1 et seq., Docket No. A-566-98T1.

\_\_\_\_\_  
Wardell Sanders, Executive Director  
Individual Health Coverage Program Board

Date: \_\_\_\_\_

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**VIA CERTIFIED MAIL**

June 4, 2001

Thomas P. Weidner, Esq.  
Windels, Marx, Lane & Mittendorf, LLP  
104 Carnegie Center  
New Brunswick, NJ 08540-6232

RE: United States Life Insurance Company's Appeal of the 1993, 1994, 1995,  
1996, and 1997/1998 Loss Assessments

Dear Mr. Weidner:

Enclosed herewith please find a copy of an Order from the New Jersey Individual Health Coverage Program Board regarding the above-referenced matter.

Sincerely,

Wardell Sanders  
Executive Director

Enc.