

[~Current Date~]

Attn: Director of Claims

[~Insurance Policy #1 Carrier~]

[~Insurance Policy #1 Address~]

Re: Patient: [~Patient Name~]
Policy: [~Insurance Policy #1 Number~]
Insured: [~Responsible Party Name~]
Treatment Dates: [~Admission Date~] - [~Discharge Date~]
Amount: [~Total Charges~]

Dear Director of Claims,

This letter is to request immediate payment of the above referenced claim. According to your representative, this claim was not processed due to failure to meet the applicable timely claim filing requirement.

According to a number of New Jersey court decisions, an insurers may not refuse to process a claim due solely to lack of timely filing unless the insurer can prove that it was "appreciably prejudiced" by the late filing. Please see *Cooper v. Government Employees Ins. Co.*, 51 N.J.86, 237 A.2d 870 (1968). The court stated that an "appreciable prejudice" meant that the insurer's substantial rights were irretrievably lost because of the timing of the notice. According to Ostrager & Newman's *Handbook on Insurance Coverage Disputes* (9th Edition), several cases have ruled that an insurer may be prejudiced by its inability to contemporaneously investigate the claim, interview witnesses or make an early settlement of the claim.

It is our position that your company was not prejudiced by late filing. Therefore, we appreciate your prompt processing of this claim. If payment is not released, we would appreciate your written response in regards to the case cited above.

Sincerely,

Claims Analyst