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INSURANCE LAW BULLETIN

Re: Petition For Judicial Review Must Be Filed Within Thirty Days After Mailing, Not Receipt, Of Commissioner's Order

The Maryland Court of Special Appeals recently held that a petition for judicial review of an order of the Maryland Insurance Commissioner was untimely and should have been dismissed.

A member of a fraternal benefit society filed a complaint with the Commissioner, alleging the society failed to timely convert a term life rider to whole life insurance. An administrative law judge, on behalf of the Commissioner, ruled the society did not violate Maryland insurance law. The member filed a petition for judicial review in the circuit court on the thirty-first day after the order was mailed, but within thirty days of receiving the order. The society's motion to dismiss the petition was denied. The circuit court affirmed the Commissioner's order, and the member noticed an appeal.

On appeal, the society again argued the petition was untimely. The Court of Special Appeals agreed, holding that, under §§ 2-204(c) and 2-215(d)(1) of the Maryland Insurance Article, the thirty-day period for filing a petition for judicial review of an order of the Commissioner runs from the date the order is mailed to (rather than received by) the parties. The Court, therefore, concluded the circuit court erred in failing to dismiss the untimely petition.

For further information, please contact **Derek B. Yarmis**, who represented the society, at 410.659.7762 or dyarmis@fblaw.com. To learn more about our firm or review other law bulletins, please visit our website at www.fblaw.com.

December 10, 2010
No: 2010-2