

Appeal would reveal claims denied

A Coast policyholder is appealing to the state Supreme Court for access to Mississippi Insurance Department records that would show the dollar amount of Katrina claims denied by insurance companies.

Long Beach policyholder Kevin Buckel filed a written request in January 2009 for records showing the total amount of damages homeowners claimed, the total amount paid and the total amount denied by private property insurance companies. MID maintains the agency does not have the records.

United Policyholders of America is helping Buckel fund the appeal.

“There’s a million people around the country who would love to help with this,” said Amy Bach, who heads the nonprofit group.

Buckel initially filed his lawsuit in Harrison County Chancery Court, but MID successfully fought to move the case to Hinds County, where it was heard in August. Judge J. Dewayne Thomas dismissed the lawsuit. Buckel’s appeal will be heard either by the state Court of Appeals or the Supreme Court.

“We just think people have the right to know this information,” said Bay St. Louis attorney Edward Gibson, who has agreed to handle the appeal. “Mr. Buckel is a concerned citizen who is bearing the responsibility to try to get this information out there.”

Buckel is trying to find out the amount of Katrina claims denied to bolster his push for the state Legislature to pass a Policyholders Bill of Rights. The legislation has died in committee for the past three

years. Bills are expected to be introduced again in 2010.

The most important right, Buckel says, would be full disclosure each year by property insurance companies of the number of claims filed, paid and denied. Hundreds of Coast policyholders, including Buckel, filed lawsuits after Katrina, claiming their insurance companies shortchanged them.

Then-Insurance Commissioner George Dale frequently published a running tally of Katrina claims filed and paid. The Sun Herald asked Dale to also compile numbers on claims denied, but he would not. It turns out the numbers he did publish came from the National Association of Insurance Commissioners. MID has no records on the Katrina claims payments, according to MID attorneys who defended the agency.

Buckel also is seeking a summary from 43,054 State Farm claims files MID requested during a market conduct exam of the insurance company. However, MID attorneys say state law specifically exempts the market conduct records from public disclosure. Also, the attorneys say, the department did not keep copies of the claims files.

While MID was conducting the exam, Dale reached an agreement with State Farm that required the insurer to re-evaluate Coast Katrina claims and make additional payments to policyholders. The company says an additional \$88 million was paid on 5,200 claims. State Farm said it paid a total of almost \$2.2 billion on more than 85,000 claims statewide.

Buckel believes MID must possess a summary of files that would show the scope of State Farm claims denials leading to the re-evaluation.

Buckel represented himself before Judge Thomas, who asked why Buckel didn't get a bill of rights introduced in the Legislature. Buckel told the judge it died in committee. "Imagine that," Thomas said. After he ruled for MID, Thomas told Buckel, "You may have a claim, but I think

you need to sue the damn insurance companies and I will be glad to hear it.”