

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
SECOND JUDICIAL DEPARTMENT

Matter of Sandoval v. Allstate Fire & Casualty Co.

2026 NY Slip Op 00378 · No. 2024-07035 · Decided January 28, 2026

SUMMARY

The Appellate Division, Second Department, affirmed an order denying a petition to vacate an uninsured/underinsured motorist arbitration award and confirming the award. The court held that the arbitrator's determination had evidentiary support and was not arbitrary and capricious under the heightened review applicable to compulsory arbitration.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Mark C. Dillon, J.P.; Deborah A. Dowling, J.; Carl J. Landicino, J.; Laurence L. Love, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	January 28, 2026
DOCKET	2024-07035
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner appealed from an order denying her CPLR article 75 petition to vacate an arbitration award and confirming the award.
STANDARD OF REVIEW	In compulsory uninsured/underinsured motorist arbitration, the arbitration award receives closer judicial scrutiny under CPLR 7511(b) than an award arising from voluntary arbitration. The award must have evidentiary support and may not be arbitrary and capricious.
PRECEDENTIAL VALUE	Published New York Appellate Division decision
PARTIES	Arlene Sandoval v. Allstate Fire and Casualty Company

TOPICS

- arbitration
- uninsured motorist
- insurance coverage
- appellate procedure
- standard of review

PRACTICE AREAS

insurance

insurance coverage

arbitration

appellate procedure

QUESTIONS PRESENTED

1. Whether the compulsory uninsured/underinsured motorist arbitration award satisfied the heightened judicial-review standard under CPLR 7511(b).
2. Whether the Supreme Court properly denied the petition to vacate the arbitration award and confirmed the award.

HOLDINGS

1. An award in a compulsory uninsured/underinsured motorist arbitration proceeding must have evidentiary support and cannot be arbitrary and capricious; the award here met that standard.
2. The Supreme Court properly denied the petition and confirmed the arbitration award.

KEY QUOTATIONS

“To be upheld, an award in a compulsory arbitration proceeding must have evidentiary support and cannot be arbitrary and capricious” ([*1])

FACTUAL BACKGROUND

Sandoval, an insured, pursued a claim against Allstate under an uninsured/underinsured motorist endorsement. The dispute proceeded to compulsory arbitration, and the arbitrator issued an award dated October 23, 2023. Sandoval sought to vacate the award, but the court determined that the arbitrator's determination had evidentiary support and was not arbitrary and capricious.

PROCEDURAL HISTORY

Arlene Sandoval commenced a CPLR article 75 proceeding seeking to vacate an October 23, 2023 arbitration award. The Supreme Court, Kings County, denied the petition and confirmed the award in an order dated April 11, 2024. Sandoval appealed, and the Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- Matter of Deluca v. Arch Ins. Group, 109 AD3d 912, 913
- Matter of American Express Prop. Cas. Co. v. Vinci, 63 AD3d 1055
- Matter of Mangano v. United States Fire Ins. Co., 55 AD3d 916
- O'Shea v. Allstate Ins. Co., 215 AD3d 758, 759
- Matter of O'Neill v. GEICO Ins. Co., 162 AD3d 776, 778

OPINION

PER CURIAM.

Matter of Sandoval v Allstate Fire & Cas. Co. (2026 NY Slip Op 00378) Matter of Sandoval v Allstate Fire & Cas. Co. 2026 NY Slip Op 00378 Decided on January 28, 2026 Appellate Division, Second Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports.

Decided on January 28, 2026 SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Second Judicial Department MARK C. DILLON, J.P. DEBORAH A. DOWLING CARL J. LANDICINO LAURENCE L. LOVE, JJ. 2024-07035 (Index No. 502059/24) [*1]In the Matter of Arlene Sandoval, appellant, v Allstate Fire and Casualty Company, etc., respondent. Michael N. David, New York, NY (Michael B. Thomas, Jr., of counsel), for appellant.

Sweetbaum & Sweetbaum, Lake Success, NY (Joel A. Sweetbaum of counsel), for respondent. DECISION & ORDER In a proceeding pursuant to CPLR article 75 to vacate an arbitration award dated October 23, 2023, the petitioner appeals from an order of the Supreme Court, Kings County (Robin K. Sheares, J.), dated April 11, 2024.

The order denied the petition and confirmed the arbitration award. ORDERED that the order is affirmed, with costs. The petitioner commenced this proceeding pursuant to CPLR article 75 to vacate an arbitration award dated October 23, 2023.

In an order dated April 11, 2024, the Supreme Court denied the petition and confirmed the arbitration award. The petitioner appeals. Since a claim by an insured against an insurance carrier under an uninsured/underinsured motorist endorsement is subject to compulsory arbitration, the arbitrator's award is subject to closer judicial scrutiny under CPLR 7511(b) than it would be subject to had the arbitration been conducted pursuant to a voluntary agreement between the parties (see Matter of Deluca v Arch Ins.

Group, 109 AD3d 912, 913; Matter of American Express Prop. Cas. Co. v Vinci, 63 AD3d 1055; Matter of Mangano v United States Fire Ins. Co., 55 AD3d 916). "To be upheld, an award in a compulsory arbitration proceeding must have evidentiary support and cannot be arbitrary and capricious" (Matter of American Express Prop. Cas. Co. v Vinci, 63 AD3d at 1055 [internal quotation marks omitted]).

Here, the arbitrator's determination had evidentiary support and was not arbitrary and capricious (see O'Shea v Allstate Ins. Co., 215 AD3d 758, 759; Matter of O'Neill v GEICO Ins. Co., 162 AD3d 776, 778; Matter of Deluca v Arch Ins. Group, 109 AD3d at 913).

Accordingly, the Supreme Court properly denied the petition and confirmed the arbitration award. DILLON, J.P., DOWLING, LANDICINO and LOVE, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court

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