

## Explanation of Waivers

Under California law, the fees and expenses of the neutral arbitrator are divided between the claimants and the respondents. OIA Rules provide ways for claimants to shift that obligation to Kaiser. The Rules also allow claimants to be excused from paying the \$150 filing fee if they cannot afford it.

### 1. **Waiver of the \$150 Filing Fee**

A claimant whose gross monthly income is less than three times the federal poverty guidelines does not have to pay the filing fee. The claimant must complete the **Claimant's Request for Waiver of \$150 Arbitration Filing Fee** form on page 1 and mail or fax it to the OIA *within 75 days* of the day the OIA received the demand for arbitration. Please note: This waiver request has a deadline. See Rule 12.

A claimant whose gross monthly income is more than three times the federal poverty guidelines may still qualify for a waiver of the filing fee because of financial hardship. The necessary waiver request form, provided on pages 4-8, requires evidence that the claimant is receiving some form of public assistance or detailed personal financial information to document the financial hardship.

### 2. **Waiver of the Neutral Arbitrator's Fees and Expenses**

A claimant who signs and returns the **Waiver of Objection to Payment of Fees** and the **Waiver of Party Arbitrator - Claimants** forms does not have to pay the neutral arbitrator's fees. *No financial information is required.* All claimants and their attorneys, however, must sign the forms.<sup>1</sup> By signing these forms, a claimant agrees 1) not to object that the arbitration is somehow unfair because Kaiser pays all the neutral arbitrator's fees and expenses and 2) not to use a party arbitrator. See Rule 15 and pages 2-3 for the forms.

This is the most common waiver. It only requires the signatures of all claimants and their counsel.

### 3. **Waiver of the \$150 Filing Fee and the Neutral Arbitrator's Fees and Expenses While Retaining the Right to a Party Arbitrator**

A claimant with extreme financial hardship may request a waiver of both the filing fee and the neutral arbitrator's fees and expenses while retaining the right to a party arbitrator. The test of financial hardship is met if a claimant is receiving some form of public assistance. It can also be satisfied if the claimant has large expenses in relation to income. A claimant must complete the **Request Form for Waiver of Filing Fee and Fees and Expenses of Neutral Arbitrator** found on pages 4-8.

A copy of this form is given to Kaiser. While Kaiser may object to the request, it is the OIA that decides whether to grant the waiver. If granted, Kaiser pays both the filing fee and the neutral arbitrator's fees and expenses and the claimant is allowed to select a party arbitrator. The claimant, however, is responsible for the party arbitrator's fees and expenses. See Rule 13.

**If you have any questions, please call us at (213)637-9847.**

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<sup>1</sup>Claimants who seek less than \$200,000 do not need to submit the party arbitrator form.