

“O” No: No Recorded Injury Means No Notice of Claim

By Joseph J. Giacalone

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The Michigan Court of Appeals recently affirmed that for the notice-of-injury exception under Michigan’s No-Fault Act (MCL 500.3145(1)), written notice requires clear indication of an injury and simply reporting “no injury” or relying on a police report with “O” (for “other”—no injury) is not enough. *Hoover Physical Therapy, LLC, and Medical Direct Transportation, LLC v Amerisure Insurance Co., and Barry 365 Day Transport, LLC, Checker Cab, Michigan Assigned Claims Plan, Michigan Automobile Insurance Placement Facility, and Progressive Marathon Insurance Company.*^[1]

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This case stresses that for a notice-of-injury exception to apply under MCL 500.3145(1), written notice must make it clear that there is at least a perceived injury in the initial documents or communications, including police reports, which affirmatively indicate some type of injury.

This case began with a hit-and-run on December 20, 2021, involving a Dodge Grand Caravan owned by Barry 365 Day Transport, LLC. The responding officer’s traffic crash report showed that passenger Julian Tancock had only old injuries and marked his injury status as “O” -- indicative of no injuries and no reason to believe that Mr. Tancock was injured in the accident.

In May 2022, Barry 365 Day Transport notified its insurer, Amerisure, of the accident but expressly reported no injuries. Amerisure later reviewed the police report, which also showed no new injuries. There was no further notice of any personal protection insurance (PIP) claim by Tancock or anyone representing him before December 20, 2022.

After a lawsuit was filed in October 2022 naming Amerisure as a Defendant, Amerisure sought summary disposition, arguing the statute of limitations under MCL 500.3145(1) barred the claims. Plaintiffs argued an exception should apply, claiming Amerisure had timely notice because its adjuster had the crash report and engaged with Plaintiffs’ representative within one year of the accident. The notice-of-injury exception then has two subcomponents: (1) the method of notice, and (2), the substance of the notice. *See* MCL 500.3145(1) and (4).; *see also* *Perkovic v Zurich American Ins Co*, 500 Mich 44, 50-53 (2017).

Both the trial court and the Court of Appeals disagreed with Plaintiffs' arguments. The Court made clear that neither the police report (showing no injury) nor the conversations between the insured and Amerisure put the insurer on notice of any injury to Tancock. Thus, the statutory exception did not apply and the late-filed PIP claim was time-barred.

¹ *Hoover Physical Therapy, LLC, and Medical Direct Transportation, LLC v Amerisure Insurance Co. and Barry 365 Day Transport, LLC, Checker Cab, Michigan Assigned Claims Plan, Michigan Automobile Insurance Placement Facility, and Progressive Marathon Insurance Company*, unpublished opinion of the Michigan Court of Appeals, issued July 22, 2025 (Docket No. 371229).

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