

BEFORE ALLAN L. MCVEY, INSURANCE COMMISSIONER  
OF THE STATE OF WEST VIRGINIA

*In the Matter of:*

**David Tabb,**  
Complainant,

and

Administrative Proceeding No. 23-IC-157614

**Erie Insurance Property and Casualty Company,**  
Respondent

**ORDER DENYING MOTION TO RECONSIDER THE ORDER DISMISSING  
COMPLAINT OF APRIL 1, 2024 AND ORDER DENYING  
MOTION TO STAY THE TOLLING OF TIME**


This matter came before the West Virginia Insurance Commissioner on David Tabb's "Motion to Reconsider the Order Dismissing Complaint of April 1, 2024" and "Motion to Stay the Tolling of Time". After reviewing the Complainant's argument, the Insurance Commissioner **DENIES** the Motion to Reconsider and Motion to Stay.

The Insurance Commissioner does not have the authority to toll or stay the time for filing an appeal of an Insurance Commissioner Order. The time is set by statute.

W.Va. Code §§ 33-2-13, 33-2-14, and W.Va. Code R. § 114-13-6.12 refer to requests for rehearing. The Code and Rules do not refer to requests or motions for reconsideration when the Insurance Commissioner has entered a Dismissal Order like in the present case.

WHEREFORE, the Complainant's *Motion to Reconsider the Order Dismissing Complaint of April 1, 2024, Motion to Stay the Tolling of Time* is hereby **DENIED**.

ENTERED this the 13<sup>th</sup> day of May, 2024.

  
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ALLAN L. MCVEY  
CPCU, ARM, AAI, AAM, AIS  
Insurance Commissioner