

Automobile Injury Compensation Appeal Commission

**IN THE MATTER OF an Appeal by [the Appellant]
AICAC File No.: AC-05-113**

PANEL: Ms Yvonne Tavares, Chairperson
Ms Lorna Turnbull
Ms Carole Wylie

APPEARANCES: The Appellant, [text deleted], appeared on his own behalf;
Manitoba Public Insurance Corporation ('MPIC') was
represented by Mr. Morley Hoffman.

HEARING DATE: February 27, 2008

ISSUE(S): Reimbursement of Expenses

RELEVANT SECTIONS: Section 138 of The Manitoba Public Insurance Corporation
Act ('MPIC Act')

**AICAC NOTE: THIS DECISION HAS BEEN EDITED TO PROTECT THE PERSONAL
HEALTH INFORMATION OF INDIVIDUALS BY REMOVING PERSONAL
IDENTIFIERS AND OTHER IDENTIFYING INFORMATION.**

Reasons For Decision

The Appellant, [text deleted], was involved in a very serious motor vehicle accident on January 3, 2003. As a result of the accident the Appellant suffered a bilateral open complex fracture of both femurs and underwent a bilateral above the knee amputation. In addition, the Appellant suffered a cognitive disorder resulting from a concussion. Due to the bodily injuries which the Appellant sustained in this accident, he became entitled to Personal Injury Protection Plan ('PIPP') benefits pursuant to Part 2 of the MPIC Act.

The Appellant has appealed to this Commission from the following Internal Review decisions, respecting the following issues:

1. Internal Review decision dated August 8, 2006 – Re: Reimbursement of costs associated with the installation and/or transferring the hand controls from one vehicle to another; and
2. Internal Review decision dated November 29, 2006 – Re: Reimbursement of the costs associated with having Christmas lights put on the outside of the Appellant's home.

1. **Reimbursement of costs associated with the installation and/or transferring the hand controls from one vehicle to another**

At the hearing of this appeal, the Appellant advised that he had replaced his previous vehicle (which had been modified with hand controls at MPIC's expense) with a [text deleted] full size pick-up truck – with 4 wheel drive. As a result, he needed to have hand controls installed on the new [text deleted] truck.

MPIC denied the Appellant's request for reimbursement of the costs associated with transferring the hand controls. At the hearing of this appeal, the Appellant advised that he claimed the costs of installing the hand controls on the new truck through [text deleted] Disabled Driver's Benefit. He confirmed that he was fully reimbursed for the costs associated with the new hand controls under the [text deleted] program. The Appellant, however, wanted to pursue his appeal to challenge MPIC's policy with respect to subsequent vehicle adaptations.

At the hearing of this appeal, the Commission advised that the determination of whether subsequent vehicle adaptations should be reimbursed by MPIC was premature. At this point in time, there was no actual claim before the Commission. Additionally, it is not the Commission's

practice to render a decision on a hypothetical matter, such as the present issue, where the Appellant has not incurred any actual loss to date, and may never incur a loss.

As a result, the Appellant's appeal is dismissed.

2. Reimbursement of costs associated with installing Christmas lights

Subsequent to the hearing of this matter, the Appellant withdrew his appeal of the Internal Review decision dated November 29, 2006, regarding reimbursement of the costs associated with having Christmas lights put on the outside of the his home.

Dated at Winnipeg this 10th day of April, 2008.

YVONNE TAVARES

LORNA TURNBULL

CAROLE WYLIE