

Automobile Injury Compensation Appeal Commission

IN THE MATTER OF an Appeal by [the Appellant]
AICAC File No.: AC-08-38

PANEL: Ms Yvonne Tavares, Chairperson

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

HEARING DATE: September 30, 2008

ISSUE(S): Whether interest on the permanent impairment benefits was properly calculated

RELEVANT SECTIONS: Section 197.1 of The Manitoba Public Insurance Corporation Act ('MPIC Act')

AICAC NOTE: THIS DECISION HAS BEEN EDITED TO PROTECT THE APPELLANT'S PRIVACY AND TO KEEP PERSONAL INFORMATION CONFIDENTIAL. REFERENCES TO THE APPELLANT'S PERSONAL HEALTH INFORMATION AND OTHER PERSONAL IDENTIFYING INFORMATION HAVE BEEN REMOVED.

Decision

The Appellant, [text deleted], is appealing the Internal Review decision dated February 7, 2008, with regard to the calculation of interest on his permanent impairment award. The Appellant submits that he should be entitled to a higher interest award on his permanent impairment benefit. He argues that due to the delay in the payment of his interest, he lost the opportunity to invest those monies at a higher rate of interest and he feels he should be compensated by MPIC for this loss.

Upon a careful review of all the documentary evidence made available to it, and upon hearing the submissions made by the Appellant and by counsel on behalf of MPIC, the

Commission finds that the interest paid to the Appellant on his permanent impairment award was correctly calculated in accordance with the MPIC Act.

Therefore, by the authority of Section 184(1) of the MPIC Act, the Commission orders that:

- a. the appeal of [the Appellant] be dismissed; and
- b. the decision of MPIC's Internal Review Officer bearing date February 7, 2008 be hereby confirmed.

Dated at Winnipeg this 15th day of October, 2008.

YVONNE TAVARES

* **Please see attached Notice.**

Notice

Appeal to Court of Appeal on Question of Law or Jurisdiction

Appeal to Court of Appeal

187(1) The Appellant or the Corporation may appeal the decision of the Commission to The Court of Appeal.

Appeal with Leave

187(2) An appeal under Subsection (1) may be taken only on a question of jurisdiction or of law and only with leave obtained from a Judge of The Court of Appeal.

Application for Leave to Appeal

187(3) An application for leave to appeal shall be made within 30 days after the Applicant receives a copy of the decision of the Commission, or within such further time as the Judge allows.

Commission Entitled to be Heard

187(4) The Commission is entitled to be heard, by counsel or otherwise, on the argument of an application for leave to appeal and on an appeal.

Order of Commission Stayed

187(5) An appeal from a decision of the Commission stays the decision pending the hearing of the appeal, unless a Judge of The Court of Appeal orders otherwise.

Powers of Court on Appeal

187(6) The Court of Appeal on hearing the appeal may

- (a) make any decision that in its opinion ought to have been made;
- (b) quash, vary or confirm the decision of the Commission; or
- (c) refer the matter back to the Commission for further consideration in accordance with any direction of the Court.

Decision Not Subject to Appeal to Court

188 Except as provided in this Part, a decision of the Corporation or the Commission is final and binding and not subject to appeal or review by a Court.