

**Automobile Injury Compensation Appeal Commission**

**IN THE MATTER OF an Appeal by [the Appellant]  
AICAC File No.: AC-04-96**

**PANEL:** Ms Yvonne Tavares

**APPEARANCES:** The Appellant, [text deleted], was not present at the appeal hearing;  
Manitoba Public Insurance Corporation ('MPIC') was represented by Ms Cynthia Lau.

**HEARING DATE:** July 7, 2009

**ISSUE(S):** Whether Income Replacement Indemnity benefits were properly calculated.

**RELEVANT SECTIONS:** Section 81(2)(a) of The Manitoba Public Insurance Corporation Act ('MPIC Act') and Section 2(d) of Manitoba Regulation 39/94.

**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.**

**Reasons For Decision**

The Appellant, [text deleted], is appealing the Internal Review Decision dated March 12, 2004, with regards to the calculation of his income replacement indemnity ("IRI") benefits. The appeal hearing was held on July 7, 2009 commencing at 10:00 a.m. The Appellant did not attend the hearing or provide any written submissions to the Commission in support of his appeal.

At the outset of the hearing, it was determined that the Appellant had received notice of the hearing by virtue of his signature claiming the Xpresspost letter (containing the Notice of

Hearing from the Commission) from Canada Post. As a result, the Commission proceeded with the hearing of the appeal.

Upon a consideration of the totality of the evidence before it, the Commission finds that the Appellant has not established, on a balance of probabilities, that the amount of his IRI benefit was improperly calculated. Specifically, the Commission finds that the Appellant has failed to establish, on a balance of probabilities, that MPIC improperly calculated his IRI benefits with respect to inclusion of amounts for his car allowance, personal contributions to pension, health care and insurance plans and severance allowance.

As a result, the Appellant's appeal is dismissed and the Internal Review Decision dated March 12, 2004 is confirmed.

Dated at Winnipeg this 9<sup>th</sup> day of July, 2009.

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**YVONNE TAVARES**