

Automobile Injury Compensation Appeal Commission

IN THE MATTER OF an Appeal by [the Appellant]
AICAC File No.: AC-07-54

PANEL: Ms Yvonne Tavares

APPEARANCES: The Appellant, [text deleted], appeared on her own behalf and was assisted by [text deleted], who participated in the appeal hearing via teleconference; Manitoba Public Insurance Corporation ('MPIC') was represented by Ms Pardip Nurrha.

HEARING DATE: March 25, 2009

ISSUE(S): Whether the permanent impairment award was correctly assessed and calculated

RELEVANT SECTIONS: Sections 127 and 129 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.

Reasons For Decision

The Appellant, [text deleted], is appealing the Internal Review decision dated October 10, 2007, with regards to the assessment of permanent impairment benefits. The Internal Review decision of October 10, 2007 confirmed the case manager's decision of February 11, 2004 which determined that the Appellant was entitled to a permanent impairment benefit of 1% for a T9 compression fracture.

Upon a careful review of all of the documentary evidence made available to it and upon hearing the submissions made by the Appellant's representative, the Commission finds that the Appellant's permanent impairment benefit for the T9 compression fracture was

properly assessed and calculated in accordance with the Schedule of Permanent Impairments.

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 October 10, 2007 be hereby confirmed.

Dated at Winnipeg this 8th day of April, 2009

MS 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.