

Automobile Injury Compensation Appeal Commission

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RESPECTING THE APPEAL OF: [the Appellant]

AICAC File No.: AC-09-22

ISSUES: Whether the Appellant is entitled to an additional Permanent Impairment Award with respect to his left middle finger.

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 Automobile Injury Compensation Appeal Commission held a hearing on: August 6, 2009.

Upon a careful review of all documentary evidence made available to it, and upon hearing the testimony of the Appellant, [text deleted], and upon hearing the submissions of both the Appellant and by counsel on behalf of the Manitoba Public Insurance Corporation ('MPIC'), the Commission finds that:

1. The Appellant has failed to establish, on a balance of probabilities, that he is entitled to an additional Permanent Impairment Award with respect to his left middle finger.

The Commission adopts the reasons set forth in the decision of MPIC's Internal Review Officer bearing date November 20, 2008 (a copy of which is annexed hereto and intended to form part hereof).

By authority of Section 184(1) of The Manitoba Public Insurance Corporation Act, the Commission orders that:

- A. for the reasons set forth above [the Appellant's] appeal is dismissed; and;

B. the decision of MPIC's Internal Review Officer bearing date November 20, 2008, is therefore, confirmed.

Dated this 10th day of August, 2009.

Chief Commissioner

* **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.