

Automobile Injury Compensation Appeal Commission

**IN THE MATTER OF an Appeal by [the Appellant]
AICAC File No.: AC-05-175**

PANEL: Ms Yvonne Tavares

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

HEARING DATE: February 18, 2010

ISSUE(S): Entitlement to Permanent Impairment Benefits

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 PERSONAL HEALTH INFORMATION OF INDIVIDUALS BY REMOVING PERSONAL IDENTIFIERS AND OTHER IDENTIFYING INFORMATION.

Reasons For Decision

The Appellant, [text deleted], is appealing the Internal Review Decision dated June 29, 2005, with regards to his entitlement to permanent impairment benefits. The appeal hearing was held on February 18, 2010 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 he is entitled to any additional permanent impairment benefits for his lower left limb. The Commission finds that the medical evidence on the Appellant's file does not establish an entitlement to any additional permanent impairment benefits for the lower left limb, beyond the impairments that have already been paid to him for lower left extremity scarring and for fractures of the metatarsal bones with non-specified abnormal healing.

As a result, the Appellant's appeal is dismissed and the Internal Review Decision dated June 29, 2005 is confirmed.

Dated at Winnipeg this 1st day of March, 2010.

YVONNE TAVARES