

**Automobile Injury Compensation Appeal Commission**

**IN THE MATTER OF an Appeal by [the Appellant]  
AICAC File No.: AC-12-028**

**PANEL:** Ms Yvonne Tavares, Chairperson  
Mr. Neil Margolis  
Dr. Chandulal Shah

**APPEARANCES:** The Appellant, [text deleted], appeared on her own behalf;  
Manitoba Public Insurance Corporation ('MPIC') was  
represented by Ms Danielle Robinson

**HEARING DATE:** November 27, 2012

**ISSUE(S):** Entitlement to Permanent Impairment Benefits.

**RELEVANT SECTIONS:** Section 127 of The Manitoba Public Insurance Corporation  
Act ('MPIC Act') and Schedule A of Manitoba Regulation  
41/94.

**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], was involved in a motor vehicle accident on October 9, 2008, when she was a pedestrian that was struck by a motor vehicle. As a result of the injuries which she sustained in that accident, the Appellant sustained permanent impairments which, pursuant to Section 127 of the MPIC Act entitle her to a lump sum indemnity in accordance with the Regulations to the MPIC Act. The Appellant is appealing the Internal Review Decision dated January 31, 2012 with respect to the permanent impairment benefits determined by MPIC.

On November 22, 2011, MPIC's case manager issued a decision setting out the Appellant's permanent impairment entitlement arising from the injuries which the Appellant sustained in the motor vehicle accident of October 9, 2008. In that decision, the case manager determined the following:

The following is a list of your injuries that are rated as permanent impairments with the corresponding percentage entitlement as outlined in Schedule A:

<b>INJURY/IMPAIRMENT</b>	<b>%</b>	<b>APPLICABLE SECTION</b>	<b>APPENDIX #</b>
Post-traumatic patellofemoral syndrome-left knee(previously paid)	1%	Div. 1, Subdiv. 2, Item 3.4(c)	2
Range of motion loss-left knee	4%	Div.1, Subdiv. 2, Item 3.5	3
Change in form & symmetry-left lower limb	3%	Div. 13, Subdiv. 2, Table 13.3	4
<b>TOTAL</b>	<b>8%</b>		

The Appellant disagreed with the case manager's decision and sought an Internal Review of that decision. The Internal Review Officer, in a decision dated January 31, 2012, dismissed the Appellant's Application for Review and confirmed the case manager's decision. The Internal Review Officer found that the permanent impairment awards relating to the loss of range of motion of the Appellant's left knee and the change in form and symmetry of the left lower limb were calculated accurately and were consistent with the Schedule of Permanent Impairments. No additional applicable permanent impairment awards relating the Appellant's back, hip, foot, or chest were identified. Accordingly, the case manager's decision of November 22, 2011 was confirmed.

The Appellant has now appealed that Internal Review Decision to this Commission. The issue which requires determination on this appeal is whether the Appellant is entitled to additional permanent impairment benefits, including for her back, hip, foot or chest.

**Decision:**

Upon a careful review of all of the medical, paramedical, and other reports and documentary evidence filed in connection with this appeal, and after hearing the submissions of the Appellant and of counsel for MPIC, the Commission finds that the Appellant has not established an entitlement to any additional permanent impairment benefits at this time.

**Reasons for Decision:**

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 she is entitled to further permanent impairment benefits relating to her back, hip, foot, or chest. Having reviewed all of the medical information on the Appellant's file, the Commission finds that currently there is no medical evidence establishing an entitlement to additional permanent impairment benefits for the Appellant. As a result, the Commission finds that the permanent impairment benefits set out in the case manager's decision of November 22, 2011 are confirmed. Accordingly, the Appellant's appeal is dismissed and the Internal Review Decision dated January 31, 2012 is confirmed.

Dated at Winnipeg this 6<sup>th</sup> day of December, 2012.

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**YVONNE TAVARES**

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**NEIL MARGOLIS**

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**CHANDULAL SHAH**