

Automobile Injury Compensation Appeal Commission

**IN THE MATTER OF an Appeal by [The Appellant]
AICAC File No.: AC-13-126**

PANEL: Ms Yvonne Tavares, Chairperson
Ms Jacqueline Freedman
Mr. Les Marks

APPEARANCES: The Appellant, [text deleted], was represented by Mr. Anselm Clarke of the Claimant Adviser Office; Manitoba Public Insurance Corporation ('MPIC') was represented by Mr. Andrew Robertson.

HEARING DATE: January 14, 2014

ISSUE(S): Extension of time to file Notice of Appeal.

RELEVANT SECTIONS: Section 174 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] is requesting an extension of time in order to file a Notice of Appeal from a decision of the Internal Review Officer dated December 18, 2012.

Section 174 of the MPIC Act provides as follows:

Appeal from review decision

[174\(1\)](#) A claimant may, within 90 days after receiving notice of a review decision by the corporation or within such further time as the commission may allow, appeal the review decision to the commission.

Requirements for appeal

[174\(2\)](#) An appeal of a review decision must be made in writing and must include the claimant's mailing address.

The Appellant's Notice of Appeal from the Internal Review decision of December 18, 2012 was received by this Commission on October 22, 2013. As the Notice of Appeal was filed beyond the 90 day time limit set out in Section 174 of the MPIC Act, a hearing was convened in order to determine whether the Appellant had a reasonable excuse for her failure to appeal the Internal Review decision dated December 18, 2012 to the Commission, within the 90 day time limit set out in Section 174 of the MPIC Act.

At the hearing, the Claimant Adviser, on behalf of the Appellant, advised the Commission that he had recently forwarded prescriptions for orthotics to counsel for MPIC. Counsel for MPIC confirmed that he would forward those prescriptions to a case manager for a determination as to whether the Appellant qualified for further Personal Injury Protection Plan ("PIPP") benefits arising from the prescriptions for orthotics. The Claimant Adviser and counsel for MPIC agreed that the Appellant would be pursuing the matter directly with MPIC's case manager. Should she disagree with any further case management decisions, she would of course have the right to seek a review of those decisions and subsequently a right to appeal any further Internal Review decisions to the Commission. As a result the Claimant Adviser agreed that the appeal of the Internal Review decision of December 18, 2012 was not required as the Appellant had provided new information regarding her claim and would proceed with the assessment of her claim with MPIC's Claims Department.

Accordingly, as the Claimant Adviser agreed to withdraw the appeal on behalf of the Appellant, the Commission will now proceed to close its file regarding the appeal of the December 18, 2012 Internal Review decision.

Dated at Winnipeg this 27th day of January, 2014.

YVONNE TAVARES

JACQUELINE FREEDMAN

LES MARKS