

**Automobile Injury Compensation Appeal Commission**

**IN THE MATTER OF an Appeal by [the Appellant]  
AICAC File No.: AC-05-133**

**PANEL:** Ms Nikki Kagan, Chairperson  
Mr. Trevor Anderson  
Dr. Arnold Kapitz

**APPEARANCES:** The Appellant, [text deleted], appeared on his own behalf;  
Manitoba Public Insurance Corporation ('MPIC') was  
represented by Mr. Andrew Robertson.

**HEARING DATE:** June 14, 2016

**ISSUE(S):** Entitlement to further acupuncture treatments beyond  
December 17, 2004.

**RELEVANT SECTIONS:** Section 136(1)(a) of The Manitoba Public Insurance  
Corporation Act ('MPIC Act') and Section 5 of Manitoba  
Regulation 40/94.

**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 was injured in a motor vehicle accident on October 7, 2002.

In a case manager's decision dated December 13, 2004, the Appellant was advised that, based upon the medical information on file, additional acupuncture treatment was not a medical necessity. MPIC funding for this modality of treatment ended December 17, 2004.

An Internal Review was conducted. The Internal Review decision released on April 20, 2005 supported the decision of the case manager that the medical documentation did not support further acupuncture treatment.

The Appellant filed an appeal of the Internal Review Officer's decision with the Commission on July 15, 2005.

Between the date of filing the appeal and the date of the hearing there had been a change of circumstances that led to the Appellant withdrawing his appeal.

Subsequent to filing the appeal, correspondence of the case manager dated December 18, 2014 was provided. It rescinded the decision of December 13, 2004 which had denied further request for acupuncture treatment. This was further clarified by correspondence from the Senior Case Manager to the Appellant dated February 19, 2016. The Senior Case Manager confirmed that an additional 24 supportive acupuncture treatments have been approved.

At the hearing it was explained to the Appellant that once these further 24 acupuncture treatments were completed, should he be dissatisfied with a decision of the case manager in the future, the process of Internal Review and further appeal was again open to him.

The Appellant advised the panel that, having received the correspondence from the case manager dated February 19, 2016 and the advice that the appeal process was open to him in the future, he

was satisfied. He confirmed that he wished to withdraw his appeal. A Notice of Withdrawal dated June 14, 2016 was filed with the Commission.

The matter was concluded on that basis. The Appellant's appeal was withdrawn.

Dated at Winnipeg this 3<sup>rd</sup> day of August, 2016.

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**NIKKI KAGAN**

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**TREVOR ANDERSON**

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**DR. ARNOLD KAPITZ**