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Indexed as:
K.A.H. (Re)

IN THE MATTER OF an appeal by K.A.H.
AICAC File No.: AC-97-37

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[1997] M.A.I.C.A.C.D. No. 21

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Manitoba Automobile Injury Compensation Appeal Commission
J.F.R. Taylor, Q.C. (Chairperson), C.T. Birt, Q.C.,
and L. Goodspeed
Heard: June 17, 1997.
Decision: June 18, 1997.
(3 pp.)

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Issue(s):

Whether appellant entitled to payment by MPIC for sick
leave days off work.

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Relevant Sections:

Manitoba Public Insurance Corporation Act, S.M. 1993, c.
36, ss. 81(1) and 136(1).

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Appearances:

Manitoba Public Insurance Corporation ('MPIC') represented by
Tom Strutt.

K.A.H., the appellant, appeared in person.

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MAIC 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 FACTS:

[para1] The facts related to K.A.H.'s appeal are simply
stated. K.A.H. was injured in an automobile accident in
December of 1995. During the immediately ensuing months, he
was obliged to take time away from his work as an employee of
the [text deleted] Government in order to attend for
physiotherapy sessions and medical examinations. In all, the
fractional days that he was thus away from work aggregated

between six and eight days. K.A.H. has substantial seniority in his civil service post and, therefore, had accumulated the maximum amount of allowable sick leave, being 206 days. He obtained doctors' certificates or other acceptable evidence of his need to be away from work to attend physiotherapy and medical appointments and, thus, suffered no loss of wages; his time thus taken off work was taken as paid sick leave.

[para2] Under the [text deleted] Government's sick leave benefits scheme, K.A.H. was able to earn back, at the rate of one sick leave day for each completed pay period, the six or eight days that he had used up in the months following his accident and, as a result, is now fully restored to the maximum number of available days of sick leave.

[para3] K.A.H. claimed from MPIC an amount of income replacement indemnity for the time taken off work to attend for treatments of his injuries suffered in his motor vehicle accident. His claim was denied by MPIC, and it is from that decision that he now appeals.

THE LAW:

[para4] Section 81(1) of the MPIC Act provides for the payment of income replacement indemnity to a full-time earner if he is unable to continue his full-time employment or is unable to continue any other employment that he held, in addition to his full-time, regular employment, at the time of the accident. That income replacement indemnity would commence on the 8th day of his disability - that is to say, the first seven days of disability are not covered by the Act.

[para5] Since K.A.H. was able to continue his employment, Section 81 is of no help to him.

[para6] Section 136(1) of the Act provides that a victim of a motor vehicle accident is entitled to reimbursement of expenses incurred for medical and paramedical care, including transportation and lodging for the purpose of receiving that care, to the extent that he is not entitled to reimbursement under the Health Services Insurance Act or any other statute. Here, too, K.A.H. has not incurred any expenses of the kind for which he now seeks reimbursement, since he has suffered no loss of income.

DISPOSITION:

[para7] We are unable to find any other section of the statute or of the regulations that might give comfort to K.A.H. in the context of his appeal. He has suffered no financial loss and, therefore, his appeal must fail.

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