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Indexed as:
M.A.C. (Re)

IN THE MATTER OF an appeal by M.A.C.
AICAC File No. AC-96-20

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[1996] M.A.I.C.A.C.D. No. 19

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Manitoba Automobile Injury Compensation Appeal Commission
J.F.R. Taylor, Q.C. (Chairperson), L. Goodspeed and
F.L. Cox
Heard: July 11, 1996.
Decision: July 18, 1996.
(3 pp.)

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Issue:

Whether victim, entitled to Unemployment Insurance sick
benefits, can elect to receive M.P.I. benefits instead.

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Relevant Sections:

Manitoba Public Insurance Corporation Act, S.M. 1993, c.
36 ("the Act"), s. 85(1).

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Appearances:

M.A.C., the appellant, appeared in person.
Manitoba Public Insurance Corporation ('M.P.I.C.') was
represented by Keith Addison.

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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 Appellant, M.A.C., was involved in an accident
on June 21, 1995, when the vehicle he was driving was hit by
another vehicle. As a result, the Appellant suffered lower
back, shoulder and neck injuries. At the time, the Appellant
had been collecting regular Unemployment Insurance (U.I.)
benefits from some time in March, 1995; by dint of his
previous work record, he had earned the right to 40 weeks of
U.I. benefits. The Appellant reported to the Unemployment

Insurance Commission that he was not certain how to fill out his work form as he was willing to work but, due to the automobile accident injuries, was unable to do so. Following the directions of the U.I.C., he indicated on the form that he was unable to work.

[para2] M.A.C.'s U.I. benefits continued at the same rate of {text deleted} bi-weekly, but became designated as 'sick benefits' rather than as regular benefits for the next 15 weeks. The U. I. sick benefits ended on October 7, 1995, at which point as a result of his continuing disability caused by his accident, M.A.C. was temporarily disqualified from regular U.I. benefits. He therefore filed a claim with M.P.I.C. and received Income Replacement Indemnity (I.R.I.) , as a non-earner, for 9 weeks from October 9th to December 11, 1995. On November 31, 1995, M.A.C.'s doctor declared that he was fit to return to work; he re-applied to the Unemployment Insurance Commission where his regular benefits were reinstated until February, 1996, when he had used up his entitlement.

THE ISSUE:

[para3] The Appellant is appealing his right to compensation for 15 weeks of U.I. benefits that he believes he lost during his weeks of sick leave when he was unable to work. It is his belief that M.P.I.C., as his insurer, should have been paying him during the period of his sick leave and that those 15 weeks should be added on to his U. I. entitlement.

THE LAW:

[para4] Any authority for the payment by M.P.I.C. of a claim must be found within the four corners of the Act and Regulations. The relevant section of the Act reads as follows:

"Entitlement to I.R.I. for first 180 days

Section 85 (1): A non-earner is entitled to an income replacement indemnity for any time during the 180 days after an accident that the following occurs as a result of the accident: ...

(b) He or she is deprived of a benefit under the Unemployment Insurance Act (Canada) or the National Training Act (Canada) to which he or she was entitled at the time of the accident."

[para5] In total, M.A.C. received his full entitlement of 40 weeks of Unemployment Insurance benefits plus an additional 9 weeks of I.R.I. for the period he was unable to work. It cannot, therefore, be said that he was 'deprived of a benefit'

under the Unemployment Insurance Act, nor can it be said that he suffered any other economic loss that was caused by the accident and that is covered by the insurance policy embodied in the Manitoba Public Insurance Corporation Act. M.P.I.C. was only required to step in to the picture if M.A.C.'s injuries continued to prevent him from working and if he was not then entitled to collect Unemployment Insurance; M.P.I.C. did just that, and has therefore fulfilled its obligation to M.A.C.

DISPOSTION:

[para6] We therefore confirm the decision of the Corporation's Internal Review Officer and must deny M.A.C.'s appeal.

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