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## Automobile Injury Compensation Appeal Commission

**IN THE MATTER OF an Appeal by N.H.  
AICAC File No.: AC-02-141**

**PANEL:** Ms. Yvonne Tavares, Chairperson  
Ms. Deborah Stewart  
Dr. Patrick Doyle

**APPEARANCES:** The Appellant, N.H., appeared on his own behalf;  
Manitoba Public Insurance Corporation ('MPIC') was  
represented by Ms. Dianne Pemkowski.

**HEARING DATE:** September 22, 2003

**ISSUE(S):** Entitlement to reimbursement of cost of chiropractic  
treatments.

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

**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 Appellant, N.H., is appealing the decision of the Internal Review Officer dated September 16, 2002, which confirmed the case manager's decision that chiropractic funding would not be provided. At issue in the Appellant's appeal is whether chiropractic treatments were medically required as a result of injuries caused by the motor vehicle accident of March 10, 2002.

The relevant sections of the MPIC Act and Regulations are as follows:

Section 136(1)(a) of the MPIC Act which provides that:

**Reimbursement of victim for various expenses**

**136(1)** Subject to the regulations, the victim is entitled, to the extent that he or she is not entitled to reimbursement under *The Health Services Insurance Act* or any other Act, to the reimbursement of expenses incurred by the victim because of the accident for any of the following:

- (a) medical and paramedical care, including transportation and lodging for the purpose of receiving the care;

Section 5(a) of Manitoba Regulation 40/94 which provides that:

**Medical or paramedical care**

**5** Subject to sections 6 to 9, the corporation shall pay an expense incurred by a victim, to the extent that the victim is not entitled to be reimbursed for the expense under *The Health Services Insurance Act* or any other Act, for the purpose of receiving medical or paramedical care in the following circumstances:

- (a) when care is medically required and is dispensed in the province by a physician, paramedic, dentist, optometrist, chiropractor, physiotherapist, registered psychologist or athletic therapist, or is prescribed by a physician;

The Appellant was involved in a motor vehicle accident on March 10, 2002. After the motor vehicle accident, the Appellant did not miss any time from work. He did not seek any medical or paramedical care until May 29, 2002, when he attended upon a chiropractor for treatment of neck pain and stiffness and low back pain. The Appellant had not been bothered with these symptoms until the last week of May 2002, approximately 2 ½ months post-accident.

The Internal Review Officer in his decision dated September 16, 2002, determined that it was unlikely that there would be a causal connection between an accident and an onset of symptoms two months later. On that basis, he upheld the case manager's decision.

Upon a careful review of all of the documentary evidence made available to it, and upon hearing the submissions made by the Appellant and by counsel on behalf of MPIC, the Commission finds that the Appellant has not established, on a balance of probabilities, that chiropractic treatments

were medically required by him as a result of injuries arising from the motor vehicle accident of March 10, 2002. Even though we found the Appellant to be a credible, straightforward individual, we were not persuaded, on a balance of probabilities, of the connection between the Appellant's symptoms which first arose on or about May 29, 2002 and the motor vehicle accident of March 10, 2002.

As a result, the Commission dismisses the Appellant's appeal and confirms the decision of MPIC's Internal Review Officer dated September 16, 2002.

Dated at Winnipeg this 10<sup>th</sup> day of October, 2003.

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**YVONNE TAVARES**

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**DEBORAH STEWART**

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**DR. PATRICK DOYLE**