

Automobile Injury Compensation Appeal Commission

301-428 Portage Avenue
Winnipeg, MB
R3C 0E2

Phone: (204) 945-4155
Fax: (204) 948-2402

RESPECTING THE APPEAL OF: L.K.
AICAC File No.: AC-05-146

MAIC NOTE: THIS DECISION HAS BEEN EDITED TO PROTECT THE PERSONAL HEALTH INFORMATION OF INDIVIDUALS BY REMOVING PERSONAL IDENTIFIERS AND OTHER IDENTIFYING INFORMATION.

Decision

The Automobile Injury Compensation Appeal Commission held a hearing on: October 25, 2007

At the hearing of the appeal, the Appellant's representative, Mr. David G. Newman, Q.C., advised that the Appellant was not pursuing her appeals of the Internal Review decisions dated July 21, 2005 and October 31, 2005, but wished to advance a claim with the Manitoba Public Insurance Corporation ('MPIC') respecting her lost opportunity to become a registered nurse in Manitoba.

Therefore, by the authority of Section 184(1) of The Manitoba Public Insurance Corporation Act, the Commission finds that:

- A. the appeals of L.K. be dismissed;
- B. the decisions of MPIC's Internal Review Officer, bearing dates July 21, 2005 and October 31, 2005, be hereby confirmed; and
- C. this matter be referred back to MPIC's case manager for a determination of whether or not L.K. is entitled to any further benefits in respect of her lost opportunity to become a registered nurse in Manitoba.

Dated this 31st day of October, 2007.

Deputy Chief Commissioner

* Please see attached Notice.

Notice

Appeal to Court of Appeal on Question of Law or Jurisdiction

Appeal to Court of Appeal

187(1) The Appellant or the Corporation may appeal the decision of the Commission to The Court of Appeal.

Appeal with Leave

187(2) An appeal under Subsection (1) may be taken only on a question of jurisdiction or of law and only with leave obtained from a Judge of The Court of Appeal.

Application for Leave to Appeal

187(3) An application for leave to appeal shall be made within 30 days after the Applicant receives a copy of the decision of the Commission, or within such further time as the Judge allows.

Commission Entitled to be Heard

187(4) The Commission is entitled to be heard, by counsel or otherwise, on the argument of an application for leave to appeal and on an appeal.

Order of Commission Stayed

187(5) An appeal from a decision of the Commission stays the decision pending the hearing of the appeal, unless a Judge of The Court of Appeal orders otherwise.

Powers of Court on Appeal

187(6) The Court of Appeal on hearing the appeal may

- (a) make any decision that in its opinion ought to have been made;
- (b) quash, vary or confirm the decision of the Commission; or
- (c) refer the matter back to the Commission for further consideration in accordance with any direction of the Court.

Decision Not Subject to Appeal to Court

188 Except as provided in this Part, a decision of the Corporation or the Commission is final and binding and not subject to appeal or review by a Court.