

## **Automobile Injury Compensation Appeal Commission**

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**RESPECTING THE APPEAL OF: F.Z.**  
**AICAC File No.: AC-06-16**

**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: November 15, 2007

Upon a careful review of all documentary evidence made available to it, and upon hearing the submissions made by the Appellant, F.Z., and by counsel on behalf of the Manitoba Public Insurance Corporation ('MPIC'), the Commission finds that:

1. the Permanent Impairment award of 4% for loss of range of motion to the Appellant's right elbow was correctly assessed and calculated.

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

- A. the appeal of F.Z. be dismissed; and
- B. the decision of MPIC's Internal Review Officer, bearing date September 18, 2006, is hereby confirmed.

Dated this 20<sup>th</sup> day of November, 2007.

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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.