

Automobile Injury Compensation Appeal Commission

IN THE MATTER OF an Appeal by R.M.
AICAC File No.: AC-07-27

PANEL: Ms Yvonne Tavares, Chairperson
Ms Diane Beresford
Ms Linda Newton

APPEARANCES: The Appellant, R.M., appeared on his own behalf;
Manitoba Public Insurance Corporation ('MPIC') was
represented by Ms Pardip Nunnha.

HEARING DATE: November 18, 2008

ISSUE(S): Whether the permanent impairment award was
correctly assessed and calculated

RELEVANT SECTIONS: Sections 127 and 129 of The Manitoba Public Insurance
Corporation Act ('MPIC Act')

**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, R.M., is appealing the Internal Review decision dated October 18, 2006, with regards to the assessment of permanent impairment benefits. The Internal Review decision of October 18, 2006 confirmed the case manager's decision of July 12, 2006 which determined that the Appellant was entitled to permanent impairment benefits for the following:

◆ Lower limb scarring	1.15%
◆ Patellofemoral pain syndrome	<u>1.00%</u>
TOTAL:	2.15%

Upon a careful review of all of the documentary evidence made available to it and upon hearing the submissions made by the Appellant, R.M., and by counsel on behalf of MPIC, the Commission finds that the Appellant's permanent impairment benefits for the lower limb scarring and the patellofemoral pain syndrome were properly assessed and calculated.

Therefore, by the authority of Section 184(1) of the MPIC Act, the Commission orders that:

- A. The appeal of R.M. be dismissed; and
- B. The decision of MPIC's Internal Review Officer bearing date October 18, 2006 be hereby confirmed.

Dated at Winnipeg this 26th day of November, 2008.

YVONNE TAVARES

DIANE BERESFORD

LINDA NEWTON

* 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.