

Automobile Injury Compensation Appeal Commission

IN THE MATTER OF an Appeal by C.O.
AICAC File No.: AC-08-43

PANEL: Ms Yvonne Tavares, Chairperson

APPEARANCES: The Appellant, C.O., appeared on his own behalf via teleconference;
Manitoba Public Insurance Corporation ('MPIC') was represented by Ms Lori LaBine.

HEARING DATE: September 18, 2008

ISSUE(S): Reimbursement of re-booking fees

RELEVANT SECTIONS: Section 136(1) 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.

Decision

The Appellant, C.O. is appealing the Internal Review decision dated April 8, 2008, seeking reimbursement of re-booking fees for a trip to Mexico.

The Appellant was involved in a motor vehicle accident on October 26, 2007. As a result of the injuries which he sustained in this motor vehicle accident, the Appellant rescheduled a trip he had planned to take to Mexico. He sought reimbursement of the expenses incurred for re-booking the trip from MPIC. In a decision dated April 8, 2008, the Internal Review Officer confirmed the case manager's decision and dismissed the Appellant's Application for Review. The Internal Review Officer determined that there was no

coverage under the Personal Injury Protection Plan for expenses incurred as a result of having to re-book a trip to Mexico. It is from this decision that the Appellant has appealed.

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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 there is no provision under the MPIC Act or the Regulations made pursuant thereto, to provide for reimbursement of the re-booking fees incurred by the Appellant for rescheduling his trip to Mexico.

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

- (a) the appeal of C.O. be dismissed; and
- (b) the decision of MPIC's Internal Review Officer bearing date April 8, 2008 be hereby confirmed.

Dated at Winnipeg this 25th day of September, 2008.

YVONNE TAVARES

* **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.