

Automobile Injury Compensation Appeal Commission

IN THE MATTER OF an Appeal by R.S
AICAC File No.: AC-04-96

PANEL: Ms Yvonne Tavares

APPEARANCES: The Appellant, R.S., was not present at the appeal hearing; Manitoba Public Insurance Corporation ('MPIC') was represented by Ms Cynthia Lau.

HEARING DATE: July 7, 2009

ISSUE(S): Whether Income Replacement Indemnity benefits were properly calculated.

RELEVANT SECTIONS: Section 81(2)(a) of The Manitoba Public Insurance Corporation Act ('MPIC Act') and Section 2(d) of Manitoba Regulation 39/94.

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, R.S., is appealing the Internal Review Decision dated March 12, 2004, with regards to the calculation of his income replacement indemnity ("IRI") benefits. The appeal hearing was held on July 7, 2009 commencing at 10:00 a.m. The Appellant did not attend the hearing or provide any written submissions to the Commission in support of his appeal.

At the outset of the hearing, it was determined that the Appellant had received notice of the hearing by virtue of his signature claiming the Xpresspost letter (containing the Notice of

Hearing from the Commission) from Canada Post. As a result, the Commission proceeded with the hearing of the appeal.

Upon a consideration of the totality of the evidence before it, the Commission finds that the Appellant has not established, on a balance of probabilities, that the amount of his IRI benefit was improperly calculated. Specifically, the Commission finds that the Appellant has failed to establish, on a balance of probabilities, that MPIC improperly calculated his IRI benefits with respect to inclusion of amounts for his car allowance, personal contributions to pension, health care and insurance plans and severance allowance.

As a result, the Appellant's appeal is dismissed and the Internal Review Decision dated March 12, 2004 is confirmed.

Dated at Winnipeg this 9th day of July, 2009.

YVONNE TAVARES