

Automobile Injury Compensation Appeal Commission

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RESPECTING THE APPEAL OF: G.K.
AICAC File No.: AC-05-190

PANEL: Ms Laura Diamond, Chairperson
Ms Mary Lynn Brooks
Ms Deborah Stewart

APPEARANCES: The Appellant, G.K., was represented by Mr. David G. Newman, Q.C.;
Manitoba Public Insurance Corporation (“MPIC”) was represented by Mr. Morley Hoffman.

HEARING DATES: April 21, 2009, April 22, 2009 and June 29, 2009.

ISSUE(S): Whether the Appellant’s Personal Injury Protection Plan (“PIPP”) benefits properly suspended under Section 160(b) of the Manitoba Public Insurance Corporation Act (“MPIC Act”).

RELEVANT SECTIONS: Section 160(b) of the 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.

CONSENT ORDER

WHEREAS the parties agree that the Appellant was not properly informed and assisted by MPIC respecting his entitlement to benefits under the MPIC Act, and as a result did not receive the full benefits to which he was entitled under the Act;

AND WHEREAS the parties agree that the Appellant’s suspension of benefits was unwarranted.

Upon the joint request of the parties, the Commission orders that:

- A. the Appellant's appeal herein be allowed;
- B. the suspension of the Appellant's PIPP benefits shall be revoked and his benefits shall be reinstated from May 20, 2005;
- C. MPIC shall pay to the Appellant all PIPP benefits owed to him forthwith, once the amounts owing to the Appellant have been calculated;
- D. Interest shall be added to the amount due and owing to the Appellant in accordance with Section 163 of the MPIC Act;
- E. the Commission shall retain jurisdiction in this matter and, if the parties are unable to agree on the amount of compensation, either party may refer this issue back to the Commission for final determination; and
- F. the decision of Manitoba Public Insurance Corporation's Internal Review Officer, dated August 31, 2005, be, therefore, rescinded and the foregoing substituted for it.

Dated this 2nd day of July, 2009.

Deputy Chief Commissioner

Mr. Morley Hoffman

Mr. David Newman