

Automobile Injury Compensation Appeal Commission

**IN THE MATTER OF an Appeal by P.A.
AICAC File No.: AC-05-27**

PANEL: Ms Yvonne Tavares

APPEARANCES: The Appellant, P.A. was not present at the appeal hearing; Manitoba Public Insurance Corporation ('MPIC') was represented by Mr. Dean Scaletta.

HEARING DATE: April 23, 2009

ISSUE(S): Entitlement to Permanent Impairment Benefits

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, P.A., is appealing the Internal Review Decision dated November 23, 2004, with regards to her entitlement to permanent impairment benefits. The appeal hearing was held on April 23, 2009 commencing at 9:30 a.m. The Appellant did not attend the hearing or provide any written submissions to the Commission in support of her appeal.

At the outset of the hearing, it was determined that the Appellant had received notice of the hearing by virtue of her 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 she is entitled to a permanent impairment benefit for either her neck, or her right shoulder. The Commission finds that the medical evidence on the Appellant's file does not establish an entitlement to a permanent impairment benefit for either the neck, or the right shoulder.

As a result, the Appellant's appeal is dismissed and the Internal Review Decision dated November 23, 2004 is confirmed.

Dated at Winnipeg this 27th day of April, 2009.

YVONNE TAVARES