

Automobile Injury Compensation Appeal Commission

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RESPECTING THE APPEAL OF: W.H.

AICAC File No.: AC-06-167

ISSUE: Whether the Appellant is entitled to a permanent impairment award for scarring to his scalp.

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 Automobile Injury Compensation Appeal Commission held a hearing on: May 12, 2009

The Appellant did not attend the hearing. The Appellant had advised the Commission in writing that he would not be attending the hearing for health problems and he further stated that it would be appreciated if the Commission could proceed with the hearing with the results being mailed to him.

Manitoba Public Insurance Corporation's ("MPIC") legal counsel, Mr. Dean Scaletta, appeared on behalf of MPIC and made a submission in support of the Internal Review Decision dated August 24, 2006. The Commission after considering the documentary material on file and after hearing the submission of MPIC's legal counsel determined that the Appellant was not entitled to a Permanent Impairment Award for scarring.

By the authority of Section 184(1) of The Manitoba Public Insurance Corporation Act, the Commission orders that:

- A. for the reasons more particularly set forth in the decision of Manitoba Public Insurance Corporation's Internal Review Officer, bearing date August 24, 2006 (copy of which is annexed hereto and intended to form part hereof), W.H.'s appeal is dismissed; and

B. the decision of Manitoba Public Insurance Corporation's Internal Review Officer bearing date August 24, 2006 is, therefore, confirmed;

Dated this 14th day of May, 2009.

Chief Commissioner

* **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.