

**Automobile Injury Compensation Appeal Commission**

**IN THE MATTER OF an Appeal by [the Appellant]  
AICAC File No.: AC-06-129**

**PANEL:** Mr. Mel Myers, Q.C., Chairperson  
Ms Mary Lynn Brooks  
Ms Wendy Sol

**APPEARANCES:** The Appellant, [text deleted], appeared on his own behalf;  
Manitoba Public Insurance Corporation ('MPIC') was  
represented by Mr. Terry Kumka.

**HEARING DATE:** December 17, 2007

**ISSUE(S):** Refusal to provide Personal Injury Protection Plan ('PIPP')  
benefits

**RELEVANT SECTIONS:** Section 160(a) of The Manitoba Public Insurance  
Corporation Act ('MPIC Act')

**AICAC 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] reported to MPIC that:

1. he was involved in a motor vehicle accident on October 14, 2004 when, as a pedestrian, while crossing a street, he was struck by a motor vehicle.
2. at the time he was trying to catch a bus and does not recall being knocked down.
3. after the collision he attempted to reach the bus but a passenger in the motor vehicle, which was involved in the accident, requested him to return to the motor vehicle.
4. when he returned to the motor vehicle the occupants offered him a ride to a hospital.

5. en route to the hospital he requested the license plate number of the motor vehicle but his request was rejected.
6. finding the occupants of the motor vehicle uncooperative, he requested that he be dropped off at the next bus stop in order that he could make his own way to the hospital.
7. after leaving the motor vehicle he attempted to note the number of the license plate of the motor vehicle but was only able to obtain a portion of the information contained on the license plate.

The Appellant further reported to MPIC that:

1. the bus that he got onto was the same bus that he was attempting to catch when he was involved in the motor vehicle accident.
2. the bus driver recognized him and indicated that he had witnessed the accident.
3. he took the bus to the [Hospital] where he attended at the Emergency Department but, since the line up was too long, he did not stay.
4. he went to visit [Appellant's Doctor #1] at the [text deleted] Walk-In Medical Centre.
5. he informed [Appellant's Doctor #1] that he had injured his left hand and ribs and [Appellant's Doctor #1] provided him with Tylenol for his pain.
6. on October 20, 2004 he attended at the office of his personal physician and was seen by [Appellant's Doctor #2].
7. [Appellant's Doctor #2] provided him with a note to get x-rays.

The Commission did not receive any reports from MPIC that [Appellant's Doctor #2] had provided x-ray reports to MPIC in respect of the Appellant's motor vehicle accident injuries.

On October 21, 2004 the Appellant attended at the MPIC office in order to make an Application for Compensation in respect of his motor vehicle accident injuries. The Appellant was interviewed by an MPIC case manager who reported that he was informed by the Appellant that as a result of the injuries he sustained in the motor vehicle accident he was unable to work and requested compensation.

In his written Application for Compensation the Appellant claimed that:

1. he was employed by [text deleted] as a supervisor working 35-36 hours per week.
2. his essential job was to take employees to apartments to clean and paint.
3. the contact person at this employment was [Appellant's brother #1's former business partner].
4. he commenced employment with [text deleted] in the month of July 2004 and he was paid monthly the sum of \$[text deleted].

In support of his claim of employment, in order to obtain Income Replacement Indemnity ('IRI') benefits, the Appellant provided the case manager with a photocopy of a typewritten note from [Appellant's brother #1's former business partner] dated 2004/10/4 certifying that he was employed as a supervisor in the management company for the past four (4) months, with a monthly salary, including commissions, of \$[text deleted]. The note described the Appellant as a dedicated, industrious, reliable worker and was signed by [Appellant's brother #1's former business partner].

The Appellant also provided the case manager with a cheque which he indicated constituted his pay stub from [text deleted]. The cheque, dated 10/5/2004, was payable to the Appellant in the

amount of \$[text deleted] and was signed by [Appellant's brother #1's former business partner] and [Appellant's brother #1], who the Appellant stated were the officers of [text deleted].

An Officer of MPIC's Special Investigation Unit (MSIU) conducted an investigation and determined the following:

1. the bus driver who observed the motor vehicle accident on October 14, 2004 provided a statement to the MSIU Officer. In his statement the bus driver stated that he had been operating a bus on October 14, 2004 and had stopped at a bus stop and was in the process of loading passengers. He observed the Appellant wave to get his attention to catch the bus and, as a result, the bus driver waited for the Appellant. The Appellant then crossed the street and was hit by a motor vehicle. The Appellant had been proceeding on a green light and was walking in the walkway lines. The Appellant boarded the bus and asked the bus driver if he saw what had occurred. The bus driver indicated that he had and advised him to take down his bus number. The bus driver further indicated that the Appellant, who became a passenger on his bus, left the bus at a bus stop location near the [Hospital].
2. [text deleted] is a registered company owned solely by [Appellant's brother #1], brother of the Appellant, and that both reside at [Appellant's brother #1's] residence at [text deleted].

[Appellant's brother #1's former business partner] was interviewed by a MSIU officer on November 29, 2004 and he stated that:

- a) he had not been with [text deleted] for the past six (6) months or so.

- b) he was shown the cheque, which the Appellant provided to the case manager, which appeared to be signed by him on October 4, 2004 in favour of the Appellant.
- c) he indicated that he never signed any cheque in favour of the Appellant and that it was not his signature on the cheque.

On November 29, 2004, a MSIU officer interviewed [Appellant's brother #1] who stated that:

1. the Appellant was not working for him at the time of the motor vehicle accident.
2. he owned [text deleted] and that the Appellant did not and never had worked for him.
3. [Appellant's brother #1's former business partner] had been his former partner but they parted company on or about June 2004 when he took over sole ownership of the company.

During the course of his interview, the MSIU officer showed [Appellant's brother #1] a typewritten note dated 2004/10/04 that the Appellant had provided to the case manager and which appeared to be signed by [Appellant's brother #1's former business partner]. [Appellant's brother #1] reported to the investigating officer that he had signing authority in respect of [text deleted] and that he would not pay his brother \$[text deleted]. He further informed the investigating officer that he did not believe that [Appellant's brother #1's former business partner] signed such a note.

#### **Case Manager's Decision**

On January 7, 2005 the case manager wrote to the Appellant advising him that:

1. MPIC was confirming the end of his entitlement to PIPP benefits because he had provided MPIC with false or inaccurate information with respect of his employment status in contravention of Section 160(a) of the MPIC Act which states:

**Corporation may refuse or terminate compensation**

**160** The corporation may refuse to pay compensation to a person or may reduce the amount of an indemnity or suspend or terminate the indemnity, where the person

(a) knowingly provides false or inaccurate information to the corporation;

2. and stated:

Therefore, by failing to provide accurate information to Manitoba Public Insurance concerning your employment, you are in contravention of the above-noted sections and declaration. Accordingly, your entitlements to all benefits end as of the date of this letter.

The Appellant made an Application for Review of the case manager's decision on January 12, 2005.

In a report dated January 25, 2005 a MSIU officer indicated that he had conducted a further interview with [Appellant's brother #1's former business partner] on January 24, 2005 and reported that [Appellant's brother #1's former business partner] was shown the cheque dated 10/05/2004 in favour of the Appellant in the amount of \$[text deleted] and signed by [Appellant's brother #1's former business partner] and [Appellant's brother #1]. The investigating officer further reported that in response [text deleted] stated that:

1. he never signed the cheque in favour of the Appellant in the amount of \$[text deleted] although the cheque bore his signature.
2. both himself and [Appellant's brother #1] were required to sign cheques issued by [text deleted].
3. he had signed a number of blank cheques for [text deleted] and that the Appellant had apparently got a hold of one of these cheques.

On the same date a MSIU officer interviewed [Appellant's brother #1] who was shown the cheque dated 10/05/2004 from [text deleted] and was payable to the Appellant in the amount of \$[text deleted] and which had been signed by both [Appellant's brother #1's former business partner] and [Appellant's brother #1]. In response, [Appellant's brother #1] informed the investigating officer that he had not signed this cheque. The investigating officer further reported that when he asked [Appellant's brother #1] how the Appellant had come into possession of this cheque, [Appellant's brother #1] replied that the Appellant lived at his residence at [text deleted].

In a report dated January 25, 2005 the MSIU officer contacted the Provincial Social Allowance Department during the month of November 2004 and was advised by an officer of this department that the Appellant had been on social assistance since 1999, and had been recently cut off. The Appellant had reapplied for Welfare on September 3, 2004 and an "appeal board" granted him benefits. He was receiving \$[text deleted] for rent and food each month, and that his last payment was October 27, 2004 and he continued since that date to receive social assistance. The MSIU officer also reported that he was advised by an investigator from the Social Assistance Department that the Appellant informed the department that he had not been employed and that he did not work for [text deleted] when he made application for social assistance.

The Appellant was charged with a number of offences under the Criminal Code of Canada, including fraud, forging documents and uttering forged documents by the Manitoba Department of Justice, Public Prosecutions. In a Memorandum dated May 10, 2006 to MPIC's investigator, the Senior Crown Prosecutor informed him that on May 10, 2006 the Appellant was permitted to

make a guilty plea for making a false application to MPIC and received a \$[text deleted] fine in respect of this charge. The Senior Crown Attorney did not proceed with Criminal Code charges against the Appellant.

### **Internal Review Officer's Decision**

On May 24, 2006 the Internal Review Officer wrote to the Appellant's legal counsel advising him that:

The Application for Review of Injury Claim Decision was dated January 12, 2005 and assigned to me shortly thereafter. I wrote to you on February 3, 2005 noting that [the Appellant] had been charged with fraud in connection with his PIPP claim advising that it was Manitoba Public Insurance's policy to hold the Internal Review file in abeyance until all court proceedings had been concluded.

The court proceedings have now concluded, so I am in a position to render a formal decision on this matter.

### **ISSUE**

At issue on this review is the case manager's decision of January 7, 2005 terminating PIPP benefits pursuant to Section 160 of *The MPIC Act*.

### **REVIEW DECISION**

[The Appellant] entered a guilty plea to the charge of making a false statement in relation to his PIPP claim. He was fined \$1,000.00.

In the circumstances, the case manager's decision outlined above is amply supported by the material on the file. I am therefore confirming the decision letter of the case manager dated January 7, 2005.

The Appellant filed a Notice of Appeal on August 16, 2006.

### **Appeal Hearing**

The relevant provision with respect to this appeal is Section 160(a) of the MPIC Act which states:

**Corporation may refuse or terminate compensation**

**160** The corporation may refuse to pay compensation to a person or may reduce the amount of an indemnity or suspend or terminate the indemnity, where the person (a) knowingly provides false or inaccurate information to the corporation;

The Appellant appeared on his own behalf and testified at the hearing. The Appellant asserted that he was in fact employed by his brother, [Appellant's brother #1], in [text deleted] on the date of the accident and that as a result of the motor vehicle accident he was unable to continue with his employment and was entitled to PIPP benefits.

The Appellant testified that:

1. the cheque he received from [text deleted], which was signed by both his brother and [Appellant's brother #1's former business partner], confirmed his employment with [text deleted].
2. [Appellant's brother #1's former business partner] did in fact sign the letter dated 2004/10/04 confirming his employment.
3. at the time of the motor vehicle accident he was not on social assistance.

The Appellant, however, in cross-examination could not explain:

1. why his brother, [Appellant's brother #1], indicated that he had not signed the cheque.
2. why [Appellant's brother #1's former business partner] indicated that he had not signed the letter.
3. that neither [Appellant's brother #1] nor [Appellant's brother #1's former business partner] confirmed that he was employed with [text deleted] at the time of the motor vehicle accident.
4. why an officer of the Provincial Social Assistance Department reported that the

Appellant was on social assistance at the time of the motor vehicle accident.

In his testimony, the Appellant, in support of his position that he was employed by his brother, referred to a letter dated September 29, 2004 from himself to [Appellant's brother #1], wherein he agreed to provide his services driving [Appellant's brother #1's] '[text deleted] truck' and would be compensated by [Appellant's brother #1] by commission based on thirty (30%) percent of the gross earnings, to be paid twice monthly. The Appellant testified that at the time of the motor vehicle accident he was, pursuant to this agreement, operating the [text deleted] truck on behalf of [Appellant's brother #1].

To corroborate this testimony, the Appellant called [Appellant's brother #2], who is the Appellant's brother, to testify on his behalf. [Appellant's brother #2] testified that he observed the Appellant driving a [text deleted] truck prior to the motor vehicle accident. [Appellant's brother #2] further testified that it was his belief that the Appellant was driving the [text deleted] truck during the course of his employment for his brother, [Appellant's brother #1].

In cross-examination, [Appellant's brother #2] acknowledged that [Appellant's brother #1] had given the Appellant permission to use the "[text deleted] truck" for recreational purposes. He further testified that he had seen the Appellant driving [Appellant's brother #1's] [text deleted] truck and he had inferred that the Appellant was driving this truck during the course of his employment with [Appellant's brother #1].

In respect of entering a guilty plea to making a false application to MPIC and receiving a \$750 fine on the matter, the Appellant testified that he had been charged with Criminal Code offences and had come to Court prepared to defend this himself on these charges when suddenly these

charges were dropped and instead he was instructed by his lawyer to plead guilty to a charge under the MPIC Act. He testified that he became confused by the change in the nature of the charges against him and, in error, pleaded guilty to the charge under the MPIC Act. In response to questions from the Commission the Appellant testified that he had been represented by counsel at the hearing, and had acknowledged that when he pleaded guilty to the charge under the MPIC Act that the Criminal Code offences were withdrawn at that time.

### **Submissions**

The Appellant submitted that he had established that he had in fact been employed by [text deleted], which was owned by his brother at the time of the motor vehicle accident. He further submitted that as a result of the motor vehicle accident he sustained injuries which prevented him from returning to his employment and, as a result, he was entitled to receive PIPP benefits.

In further support of his position he referred to both the letter from [Appellant's brother #1's former business partner] and the cheque signed by both [Appellant's brother #1's former business partner] and [Appellant's brother #1] which corroborated his testimony that he had been so employed. He also referred to the testimony of his brother, [Appellant's brother #2], who observed that he was driving a truck during the course of his employment for his brother, [Appellant's brother #1]. He asserted that the testimony of [Appellant's brother #2] supported his position that in fact he had an employment contract with [Appellant's brother #1] and that he was employed pursuant to that contract at the time of the motor vehicle accident.

In response, MPIC's legal counsel submitted that MPIC had more than ample evidence to support their action in terminating the Appellant's entitlement to PIPP benefits because he had provided MPIC with false and inaccurate information with respect to his employment status

contrary to Section 160(a) of the MPIC Act. MPIC's legal counsel further submitted that:

1. The bus driver who had observed the motor vehicle accident had contradicted the Appellant's testimony as to the Appellant's actions after the motor vehicle accident had occurred. Contrary to the Appellant's assertion that he had left the scene of the accident in a motor vehicle, the bus driver who had observed the accident, stated that the Appellant did not leave the scene of the accident in a motor vehicle but became a passenger on his bus and exited the bus at a bus stop near the [Hospital].
2. The medical information provided by the Appellant did not indicate that the Appellant was seriously injured and there are no medical reports submitted by the Appellant to establish the contrary.
3. The Appellant was unable to rebut the MSIU officer's report which indicated that at the time of the motor vehicle accident the Appellant was unemployed and was in fact receiving social assistance.
4. The Appellant was unable to rebut the report of the MSIU officer which established that the Appellant provided a forged letter and a forged cheque to MPIC in order to support his position that he had been employed by [text deleted] at the time of the motor vehicle accident.
5. The Appellant was unable to rebut the statements given by [Appellant's brother #1's former business partner] to the investigators which indicated that he had not been connected with [text deleted] at the time of the motor vehicle accident.
6. The Appellant had not rebutted the statements given by the Appellant's brother that he had never employed the Appellant in any capacity and that the Appellant was not employed by [text deleted] at the time of the motor vehicle accident.

In respect to the testimony of [Appellant's brother #2], MPIC's legal counsel submitted that his

testimony did not establish that at the time of the motor vehicle accident the Appellant was employed by [Appellant's brother #1] or [text deleted]. [Appellant's brother #2] testified that he had no personal knowledge that the Appellant was, in fact, employed by [Appellant's brother #1] but inferred this employment status from observing the Appellant driving a [text deleted] truck owned by [Appellant's brother #1]. As a result, MPIC's legal counsel submitted that the testimony of [Appellant's brother #2] did not corroborate the Appellant's purported employment by [Appellant's brother #1] at the time of the motor vehicle accident.

### **Discussion**

The Commission finds that there was overwhelming evidence to support MPIC's decision to end any entitlement to PIPP benefits by the Appellant because the Appellant had provided MPIC with false and inaccurate information with respect to his employment status in contravention of Section 160(a) of the MPIC Act. The Commission determines that the Appellant's testimony is not credible and is contradicted by the documentary evidence filed in these proceedings. The Commission finds, having regard to the Appellant's testimony, the testimony of [Appellant's brother #2], and the documentary evidence filed in these proceedings, that the Appellant has not established, on a balance of probabilities, that he did not provide MPIC with false and inaccurate information with respect to his employment status in contravention of Section 160(a) of the MPIC Act.

In order to establish his employment status with [text deleted], having regard to the statements of [Appellant's brother #1's former business partner] and [Appellant's brother #1], the Appellant needed to call evidence to contradict these statements and he failed to do so. The best evidence to establish the bona fideness of the cheque and letter was to call [Appellant's brother #1] and [Appellant's brother #1's former business partner] as witnesses on his behalf and he failed to do

so. As a result, it was open for the Commission to draw an inference that if he had called these two (2) witnesses to testify they would not have supported his testimony that the cheque and letter were bona fide and that he was employed by [text deleted] at the time of the motor vehicle accident.

The Commission, having regard to the testimony of the Appellant, and the documentary evidence filed in evidence, finds that:

1. (a) the Appellant provided a cheque to MPIC which had been altered and contained the forged signature of [Appellant's brother #1]; and  
(b) The Appellant provided a letter to MPIC that contained the forged signature of [Appellant's brother #1's former business partner];  
for the purpose of establishing his employment relationship with [text deleted].
2. the Appellant was not employed by [text deleted] at the time of the motor vehicle accident.

The Commission further finds that the Appellant failed to establish, on a balance of probabilities, that at the time of the motor vehicle accident he wasn't receiving social assistance. It was open for the Appellant to call witnesses from the Provincial Social Assistance Department to establish that, at the time of the motor vehicle accident, he wasn't receiving social assistance and he failed to do so. Again, the Commission finds that the failure of the Appellant to call witnesses from the Provincial Social Assistance Department to demonstrate that he was not receiving social assistance at the time of the motor vehicle accident, permits the Commission to draw an inference that had he called such witnesses they would not have corroborated his testimony that he was not on social assistance at the time of the motor vehicle accident.

The only independent witness the Appellant called to support his position that he was employed by [Appellant's brother #1] or [text deleted] at the time of the motor vehicle accident was his brother, [Appellant's brother #2]. The Commission finds that [Appellant's brother #2's] testimony did not establish that, at the time of the accident, the Appellant was employed as a truck driver, on a commission basis, for his brother, [Appellant's brother #1].

[Appellant's brother #2] informed the Commission that he had observed the Appellant driving a [text deleted] truck and not a [text deleted] truck, and he inferred, from this observation, that the Appellant was in fact employed by his brother [Appellant's brother #1]. However, [Appellant's brother #2] testified that he was aware that [Appellant's brother #1] had loaned his [text deleted] truck to his brother for the purpose of driving it for recreational purposes.

The Commission therefore finds that [Appellant's brother #2] did not testify that he had personal knowledge that in fact the Appellant was employed by [Appellant's brother #1] to operate a [text deleted] truck. The Commission therefore determines that the testimony of [Appellant's brother #2] does not corroborate the Appellant's testimony that he was in fact employed on a commission basis, by his brother, [text deleted], to drive a [text deleted] truck for his brother at the time of the motor vehicle accident.

The Commission further finds that the letter dated September 29, 2004, which the Appellant filed with the Commission to support his testimony that he was employed as a [text deleted] truck driver by his brother, [Appellant's brother #1], was self serving and not bona fide. This letter was signed by the Appellant and not by [Appellant's brother #1]. The Commission notes that contracts of employment are normally signed by the employer, and may or may not be signed by the employee or independent contractor. The letter dated September 29, 2004 which purportedly

established a contract of employment, was signed only by the Appellant and was not signed by [Appellant's brother #1] as the employer. In order to establish the bona fideness of his employment as a tow truck driver, the Appellant needed to call independent evidence, but failed to do so.

The best evidence to corroborate the bona fideness of this letter of employment was for the Appellant to call his brother, [Appellant's brother #1], to confirm the employment relationship and to establish that the Appellant had been employed as a truck driver by [Appellant's brother #1]. Again, the failure of the Appellant to call [Appellant's brother #1] to corroborate his testimony in this respect permits the Commission to draw an inference that had he called [Appellant's brother #1] to testify in respect of this issue, [Appellant's brother #1] would not have supported the Appellant's testimony in this respect.

The Commission further finds that the statement given by [Appellant's brother #1] to the MSIU officer that he had never employed the Appellant contradicts the testimony of the Appellant and [Appellant's brother #2]. As a result, the Commission rejects the bona fideness of the Appellant's letter dated September 29, 2004 and finds that the Appellant was never employed by [Appellant's brother #1] in any capacity at the time the motor vehicle accident occurred.

The Commission also finds that the Appellant has failed to establish that he suffered any significant injuries which prevented him from working at the time of the motor vehicle accident. The Appellant's testimony as to his conduct after the motor vehicle accident is rather bizarre and is contradicted by the statements of the bus driver who saw the Appellant immediately after the motor vehicle accident. The bus driver's testimony establishes that the Appellant did not leave the scene of the accident in the motor vehicle which was involved in the accident, but became a

passenger on the bus driver's bus and left the bus at a bus location near the [Hospital].

Again, the Appellant did not call the bus driver or provide any other evidence to establish his actions after the motor vehicle accident had occurred. Having regard to the Appellant's testimony, and the documentary evidence on file, the Commission finds that the Appellant's testimony in respect of his actions after the motor vehicle accident are contradicted by the statements of the bus driver. The Commission therefore rejects the Appellant's testimony in respect of the manner in which he arrived at the [Hospital].

The Commission further notes that the Appellant, in his statement to the MPIC's case manager, indicated that after leaving the [Hospital] the Appellant attended at a walk-in medical clinic and received Tylenol tablets in respect of his pain resulting from the motor vehicle accident injuries. In addition, there is no evidence before the Commission that the Appellant, in accordance with the direction of his personal physician, [Appellant's Doctor #2], proceeded to have x-rays taken of his motor vehicle accident injuries. The Commission therefore finds that the motor vehicle accident injuries would not have prevented the Appellant from obtaining employment after the motor vehicle accident.

The Commission also rejects the Appellant's testimony as to the reasons why he pleaded guilty to a charge of giving false information to MPIC and was fined \$750. The Appellant retained legal counsel to represent him in respect of the Criminal Code offences. At the commencement of the trial, the Crown Counsel agreed to withdraw the Criminal Code charges against the Appellant if the Appellant pleaded guilty to a lesser charge of making a false application to MPIC under the MPIC Act.

The Appellant was not critical of his legal counsel when he testified as to the court proceedings. The Commission was informed the Appellant attempted to obtain the services of this legal counsel to represent him at the Commission appeal hearing but was unable to do so. The Commission finds that rather than face the risk of a trial involving Criminal Code offences, the Appellant, on the advice of his legal counsel, pleaded guilty to a reduced charge under the MPIC Act and received a fine. The Appellant advised the Commission at the appeal hearing that he had not appealed this conviction to the Manitoba Court of Appeal. For these reasons the Commission therefore rejects the Appellant's explanation as to why he pleaded guilty to the charge in question.

### **Decision**

The Commission finds that the Appellant failed to establish, on a balance of probabilities, that he did not provide false and inaccurate information with respect to his employment status in contravention of Section 160(a) of the MPIC Act. The Commission is satisfied that, having regard to the testimony of the witness and the documentary evidence, at the time of the motor vehicle accident:

1. the Appellant was not employed by [text deleted] but was on social assistance.
2. in order to establish his purported employment with [text deleted] the Appellant provided MPIC with a letter which contained a forged signature of [Appellant's brother #1's former business partner], and a cheque which contained a forged signature of his brother, [Appellant's brother #1].
3. he was not employed by his brother, [Appellant's brother #1], to drive a truck, and that the letter he wrote to his brother establishing a contract of employment was not bona fide.

The Commission further finds:

1. the testimony of [Appellant's brother #2] does not establish, on a balance of probabilities, that the Appellant was employed by his brother, [Appellant's brother #1], as a truck driver.
2. the injuries the Appellant sustained in the motor vehicle accident were minimal and would not have prevented his return to his brother's employment had he been so employed (which he was not).
3. his explanation as to pleading guilty to a charge of making false statements under the MPIC Act is not credible.

For these reasons the Commission concludes that MPIC was justified to end any entitlement to PIPP benefits to the Appellant because he provided false and inaccurate information with respect to his employment status in contravention of Section 160(a) of the MPIC Act.

The Commission therefore confirms the decision of the Internal Review Officer dated May 24, 2006 and dismisses the Appellant's appeal.

Dated at Winnipeg this 15<sup>th</sup> day of January, 2008.

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**MEL MYERS, Q.C.**

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**MARY LYNN BROOKS**

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**WENDY SOL**