

Automobile Injury Compensation Appeal Commission

**IN THE MATTER OF an Appeal by [The Appellant]
AICAC File No.: AC-04-98**

- PANEL:** Ms Yvonne Tavares
- APPEARANCES:** The Appellant [text deleted] was not present at the appeal hearing;
Manitoba Public Insurance Corporation ('MPIC') was represented by Ms Leanne Zabudsky.
- HEARING DATE:** December 16, 2009
- ISSUE(S):** Two-year determination of employment.
- RELEVANT SECTIONS:** Sections 107 and 109 of The Manitoba Public Insurance Corporation Act ('MPIC Act').

AICAC NOTE: THIS DECISION HAS BEEN EDITED TO PROTECT THE APPELLANT'S PRIVACY AND TO KEEP PERSONAL INFORMATION CONFIDENTIAL. REFERENCES TO THE APPELLANT'S PERSONAL HEALTH INFORMATION AND OTHER PERSONAL, IDENTIFYING INFORMATION HAVE BEEN REMOVED.

Reasons For Decision

The Appellant [text deleted] is appealing the Internal Review Decision dated February 23, 2004, with regards to the two-year determination of employment. An appeal hearing was held on December 16, 2009. The Appellant did not attend the hearing or provide any submissions to the Commission in support of her appeal. In fact, prior to the appeal hearing, the Appellant advised the Commission that she did not want to pursue the appeal of that Internal Review Decision. However, the Appellant neglected to sign a Notice of Withdrawal form, formally withdrawing the appeal. As a result, the hearing of the appeal proceeded on December 16, 2009.

Upon a consideration of the totality of the evidence before it, and upon a consideration of the Appellant's expressed intention to not pursue the appeal of the Internal Review Decision dated February 23, 2004, the Commission finds that the Appellant:

1. has abandoned her appeal of the Internal Review Decision dated February 23, 2004; and
2. has not established that the two-year determination of her residual earning capacity as a hotel front desk clerk is incorrect.

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

Dated at Winnipeg this 30th day of December, 2009.

YVONNE TAVARES