

Automobile Injury Compensation Appeal Commission

**IN THE MATTER OF an Appeal by [the Appellant]
AICAC File No.: AC-09-027**

PANEL: Ms Yvonne Tavares, Chairperson
Ms Jacqueline Freedman
Mr. Les Marks

APPEARANCES: The Appellant, [text deleted], was not present at the appeal hearing;
Manitoba Public Insurance Corporation ('MPIC') was represented by Mr. Kirk Kirby.

HEARING DATE: November 1, 2012

ISSUE(S): Entitlement to further Permanent Impairment benefits

RELEVANT SECTIONS: Section 127 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, [text deleted] is appealing the Internal Review Decision dated February 3, 2009, with regards to his entitlement to a permanent impairment benefit for a medial meniscus tear in the left knee. The appeal hearing was held on November 1, 2012 commencing at 9:30 a.m. The Appellant did not attend the hearing or provide any written submissions to the Commission in support of his appeal. At the outset of the hearing, it was determined that the Appellant had received notice of the hearing by virtue of the 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 the medial meniscus tear in the left knee was caused by the motor vehicle accident of December 27, 2003. The Appellant has not submitted any evidence which supports that the medial meniscus tear was related to the motor vehicle accident of December 27, 2003. As a result, the Commission finds that there is no evidence to support that the medial meniscus tear was related to the motor vehicle accident of December 27, 2003 and accordingly, the Appellant is not entitled to a permanent impairment for that condition.

As a result, the Appellant's appeal is dismissed and the Internal Review Decision dated February 3, 2009 is confirmed.

Dated at Winnipeg this 19th day of November, 2012.

YVONNE TAVARES

JACQUELINE FREEDMAN

LES MARKS