

Automobile Injury Compensation Appeal Commission

IN THE MATTER OF an appeal by [the Appellant]
AICAC File No.: AC-97-01

PANEL: Mr. J. F. Reeh Taylor, Q.C. (Chairperson)
Mr. Charles T. Birt, Q.C.
Mrs. Lila Goodspeed

HEARING DATE: March 3rd, 1997 (Written Review)

ISSUE(S): Whether Appellant entitled to reimbursement for continued chiropractic treatment.

RELEVANT SECTIONS: Section 136(1) of M.P.I.C. Act and Section 5 of Regulation 40/94

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 FACTS:

[The Appellant] appeals from a decision of M.P.I.C. which denied him the benefit of reimbursement for continuing chiropractic treatments. His Notice of Appeal alleges that he suffers from "worse back pain, neck pain and knee (left) pain" which, he says, are the pains he continues to suffer as a result of his motor vehicle accident which occurred on May 22nd, 1994.

[The Appellant] appeared before this Commission on an earlier appeal which, although it related to a claim for income replacement indemnity rather than payment for

chiropractic treatments, arose out of the same accident.

We believe that we can do no better than attach to these Reasons a copy of the Decision of this Commission bearing date December 13th, 1995. It is primarily for the Reasons set out in that earlier Decision that we are dismissing [the Appellant's] present appeal.

We would add, however, that we have been provided with no evidence at all beyond what was before us in December of 1995. Further, we accept the submission made by Ms Joan McKelvey, counsel for M.P.I.C., that if the frequency of continuing chiropractic treatments required by [the Appellant] is viewed in light of the recommendations of the Clinical Guidelines for Chiropractic Practice in Canada, [the Appellant's] maintenance care would not normally be required beyond about once per month, which would be covered by Manitoba Health Services Commission.

For those reasons, [the Appellant's] appeal must be dismissed and the decision of M.P.I.C.'s Acting Review Officer confirmed.

Dated at Winnipeg this 3rd day of March 1997.

J. F. REEH TAYLOR, Q.C.

CHARLES T. BIRT, Q.C.

LILA GOODSPEED