

Automobile Injury Compensation Appeal Commission

**IN THE MATTER OF an appeal by [the Appellant]
AICAC File No.: AC-97-37**

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

APPEARANCES: Manitoba Public Insurance Corporation ('MPIC') represented
by
by Mr. Tom Strutt
[Text deleted], the Appellant, appeared in person

HEARING DATE: June 17th, 1997

ISSUE(S): Whether Appellant entitled to payment by MPIC for sick leave
days off work.

RELEVANT SECTIONS: Section 81(1) and 136(1) of the 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 FACTS:

The facts related to [the Appellant's] appeal are simply stated. [the Appellant] was injured in an automobile accident in December of 1995. During the immediately ensuing months, he was obliged to take time away from his work as an employee of the [text deleted] in order to attend for physiotherapy sessions and medical examinations. In all, the fractional days

that he was thus away from work aggregated between six and eight days. [the Appellant] has substantial seniority in his civil service post and, therefore, had accumulated the maximum amount of allowable sick leave, being 206 days. He obtained doctors' certificates or other acceptable evidence of his need to be away from work to attend physiotherapy and medical appointments and, thus, suffered no loss of wages; his time thus taken off work was taken as paid sick leave.

Under the [text deleted's] sick leave benefits scheme, [the Appellant] was able to earn back, at the rate of one sick leave day for each completed pay period, the six or eight days that he had used up in the months following his accident and, as a result, is now fully restored to the maximum number of available days of sick leave.

[The Appellant] claimed from MPIC an amount of income replacement indemnity for the time taken off work to attend for treatments of his injuries suffered in his motor vehicle accident. His claim was denied by MPIC, and it is from that decision that he now appeals.

THE LAW:

Section 81(1) of the MPIC Act provides for the payment of income replacement indemnity to a full-time earner if he is unable to continue his full-time employment or is unable to continue any other employment that he held, in addition to his full-time, regular employment, at the time of the accident. That income replacement indemnity would commence on the 8th day of his disability - that is to say, the first seven days of disability are not covered by the Act.

Since [the Appellant] was able to continue his employment, Section 81 is of no help to him.

Section 136(1) of the Act provides that a victim of a motor vehicle accident is entitled to reimbursement of expenses incurred for medical and paramedical care, including transportation and lodging for the purpose of receiving that care, to the extent that he is not entitled to reimbursement under the Health Services Insurance Act or any other statute. Here, too, [the Appellant] has not incurred any expenses of the kind for which he now seeks reimbursement, since he has suffered no loss of income.

DISPOSITION:

We are unable to find any other section of the statute or of the regulations that might give comfort to [the Appellant] in the context of his appeal. He has suffered no financial loss and, therefore, his appeal must fail.

Dated at Winnipeg this 18th day of June 1997.

J. F. REEH TAYLOR, Q.C.

CHARLES T. BIRT, Q.C.

LILA GOODSPEED