

**Automobile Injury Compensation Appeal Commission**

**IN THE MATTER OF an Appeal by [The Appellant]  
AICAC File No.: AC-05-167**

**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 Cynthia Lau.

**HEARING DATE:** September 1, 2009

**ISSUE(S):** Entitlement to reimbursement of physiotherapy treatment expenses beyond January 31, 2005.

**RELEVANT SECTIONS:** Section 136(1)(a) 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 June 27, 2005, with regards to termination of reimbursement of physiotherapy treatment expenses beyond January 31, 2005. The appeal hearing was held on September 1, 2009 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 his 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 he is entitled to reimbursement of physiotherapy treatment expenses beyond January 31, 2005. The Commission finds that the evidence on the Appellant's file fails to establish, on a balance of probabilities, that the requirement for further physiotherapy treatments is related to the motor vehicle accident of March 24, 2004 or that additional physiotherapy treatment is medically required.

As a result, the Appellant's appeal is dismissed and the Internal Review Decision dated June 27, 2005 is confirmed.

Dated at Winnipeg this 2<sup>nd</sup> day of September, 2009.

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**YVONNE TAVARES**