

Automobile Injury Compensation Appeal Commission

**IN THE MATTER OF an Appeal by [the Appellant]
AICAC File No.: AC-02-043**

PANEL: Mr. Mel Myers, Q.C., Chairperson

APPEARANCES: The Appellant, [text deleted], appeared on her own behalf; Manitoba Public Insurance Corporation ('MPIC') was represented by Ms Dianne Pemkowski.

HEARING DATE: July 22, 2004 and May 22, 2012

ISSUE(S): Entitlement to further dental coverage benefits (more specifically the crown and bridge treatment)

RELEVANT SECTIONS: Section 136(1)(a) of The Manitoba Public Insurance Corporation Act ('MPIC Act') and Section 5(a) of Manitoba Regulation 40/94.

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] was involved in a motor vehicle accident and suffered injury to her mouth. The Appellant sought reimbursement from MPIC for a crown and bridge treatment proposed by [Appellant's Dentist #1]. MPIC rejected the Appellant's request and as a result the Appellant filed an appeal to the Commission dated March 27, 2002.

The appeal hearing began on July 22, 2004. The Commission heard evidence from [Appellant's Dentist #2] and [Appellant's Dentist #3] on behalf of the Appellant, and [MPIC's Dentist] on behalf of MPIC. At the request of the parties the hearing was adjourned. As a result of discussions between the Appellant's dental consultants and MPIC's dental consultant, MPIC agreed to reimburse the Appellant for her orthodontic treatment and prosthetic replacement.

On February 7, 2012 the Commission received a request from MPIC's legal counsel requesting that the hearing be reconvened, as the Appellant's dental treatments had been completed and MPIC had fulfilled its obligation to reimburse the Appellant for all dental work.

On May 22, 2012 the Commission reconvened the hearing. The Appellant appeared on her own behalf and Ms Pemkowski appeared on behalf of MPIC. Ms Pemkowski requested that since the Appellant's dental work had been completed and MPIC's obligations to pay for such treatment had been made, the appeal should be dismissed. [The Appellant] objected to this request and communicated that she would not agree to a dismissal of the appeal until [Appellant's Dentist #3] advised the Commission that he had completed all dental work. On July 6, 2012 [Appellant's Dentist #3] provided a report to the Commission indicating that although the Appellant's crowns were cemented, he would not consider her case completed until he had seen her twice for recall appointments. [Appellant's Dentist #3] further stated "As such, her treatment would be considered completed on July 2, 2013".

The Commission arranged for a telephone conference between the Appellant and MPIC on Thursday, July 26, 2012. Ms Pemkowski indicated that MPIC had paid all of [Appellant's Dentist #3's] accounts and the correspondence from [Appellant's Dentist #3] indicated that he had completed all of the dental work in respect of the Appellant except for two recall

appointments. Ms Pemkowski advised that if there was a relapse in the future, the Appellant would be entitled to make an application to MPIC for reimbursement of any dental work. Ms Pemkowski indicated to the Commission that she would undertake to assist in expediting her claim in this respect.

The Commission is satisfied that the Appellant's dental work has been completed subject to two recall appointments with [Appellant's Dentist #3]. In accordance with its commitment MPIC has paid for all of the Appellant's dental work. In these circumstances, the Commission dismisses the appeal.

Dated at Winnipeg this 1st day of August, 2012.

MEL MYERS, Q.C.