

**Automobile Injury Compensation Appeal Commission**

**IN THE MATTER OF an Appeal by [The Appellant]  
AICAC File No.: AC-12-072**

**PANEL:** Ms Yvonne Tavares, Chairperson  
Ms Irene Giesbrecht  
Mr. Neil Margolis

**APPEARANCES:** The Appellant, [text deleted], appeared on his own behalf, by teleconference;  
Manitoba Public Insurance Corporation ('MPIC') was represented by Mr. Andrew Robertson.

**HEARING DATE:** February 26, 2013

**ISSUE(S):** Entitlement to permanent impairment benefits.

**RELEVANT SECTIONS:** Section 127 of The Manitoba Public Insurance Corporation Act ('MPIC Act') and Section A of Manitoba Regulation 41/94.

**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**

On October 21, 1998, the Appellant, [text deleted], was viewing a vehicle that he was interested in purchasing. While checking the engine of the car, the hood of the vehicle closed and struck the Appellant's head. As a result, the Appellant sustained a contusion (bruise), as well as a bump to the front of the head. Since this incident, the Appellant has complained of headaches and reported dizziness, memory loss and double vision of the left eye. The Appellant began pursuing entitlement to Personal Injury Protection Plan ("PIPP") benefits in October 2010, twelve years after the initial incident.

On September 6, 2011, MPIC's case manager issued a decision which advised that there was no evidence of a head injury that would qualify the Appellant for a permanent impairment payment or PIPP benefits.

The Appellant disagreed with the case manager's decision and sought an Internal Review of that decision. The Internal Review Officer, in a decision dated February 15, 2012, dismissed the Appellant's Application for Review and confirmed the case manager's decision. The Internal Review Officer found that the Appellant did not sustain an injury to his head which was compensable based on the Schedule of Permanent Impairments. Accordingly, the case manager's decision of September 6, 2011 was confirmed.

The Appellant has now appealed that Internal Review decision to this Commission. The issue which requires determination on this appeal is whether the Appellant is entitled to permanent impairment benefits arising from the incident of October 21, 1998.

**Decision:**

Upon a careful review of all of the medical, paramedical, and other reports and documentary evidence filed in connection with this appeal, and after hearing the submissions of the Appellant and of counsel for MPIC, the Commission finds that the Appellant has not established an entitlement to permanent impairment benefits at this time.

**Reasons for Decision:**

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 there is an entitlement to a permanent impairment benefit relating to a head injury arising from the incident of October 21,

1998. To qualify for a permanent impairment, the Appellant must have sustained a permanent condition resulting from the injuries caused by a motor vehicle accident. The Commission accepts the opinion of MPIC's Health Care Services team that:

Based on file review, there is no evidence of a loss of consciousness as a result of the incident. The CT scan of the brain is normal. There is no evidence the claimant sustained a traumatic brain injury in the incident in question nor did he sustain injuries which would have resulted in cognitive permanent impairment.

Having reviewed all of the medical information on the Appellant's file, the Commission finds that currently there is no medical evidence establishing an entitlement to a permanent impairment benefit for the Appellant. As a result, the Appellant's appeal is dismissed and the Internal Review decision dated February 15, 2012 is confirmed.

Dated at Winnipeg this 6<sup>th</sup> day of March, 2013.

---

**YVONNE TAVARES**

---

**IRENE GIESBRECHT**

---

**NEIL MARGOLIS**