

# **Automobile Injury Compensation Appeal Commission**

**IN THE MATTER OF AN APPEAL BY [the Appellant]**  
**AICAC File No.: AC-96-20**

**PANEL:**                               **Mr. J. F. Reeh Taylor, Q.C., (Chairperson)**  
**Mrs. Lila Goodspeed**  
**Mr. F. Leslie Cox**

**APPEARANCES:**                   **[Text deleted], the Appellant, appeared in person;**  
**Manitoba Public Insurance Corporation ('M.P.I.C.') was**  
**represented by Mr. Keith Addison**

**HEARING DATE:**               **July 11, 1996**

**ISSUE:**                               **whether victim, entitled to Unemployment Insurance sick**  
**benefits, can elect to receive M.P.I. benefits instead.**

**RELEVANT SECTIONS:**   **Section 85(1)**

**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, [text deleted], was involved in an accident on June 21, 1995, when the vehicle he was driving was hit by another vehicle. As a result, the Appellant suffered lower back, shoulder and neck injuries. At the time, the Appellant had been collecting regular Unemployment Insurance (U.I.) benefits from some time in March, 1995; by dint

of his previous work record, he had earned the right to 40 weeks of U.I. benefits. The Appellant reported to the Unemployment Insurance Commission that he was not certain how to fill out his work form as he was willing to work but, due to the automobile accident injuries, was unable to do so. Following the directions of the U.I.C., he indicated on the form that he was unable to work.

[The Appellant's] U.I. benefits continued at the same rate of \$ 330.00 bi-weekly, but became designated as 'sick benefits' rather than as regular benefits for the next 15 weeks. The U. I. sick benefits ended on October 7, 1995, at which point as a result of his continuing disability caused by his accident, [the Appellant] was temporarily disqualified from regular U.I. benefits. He therefore filed a claim with M.P.I.C. and received Income Replacement Indemnity (I.R.I.) , as a non-earner, for 9 weeks from October 9th to December 11, 1995. On November 31, 1995, [the Appellant's] doctor declared that he was fit to return to work; he re-applied to the Unemployment Insurance Commission where his regular benefits were reinstated until February, 1996, when he had used up his entitlement.

**THE ISSUE:**

The Appellant is appealing his right to compensation for 15 weeks of U.I. benefits that he believes he lost during his weeks of sick leave when he was unable to work. It is his belief that M.P.I.C., as his insurer, should have been paying him during the period of his sick leave and that those 15 weeks should be added on to his U. I. entitlement.

**THE LAW:**

Any authority for the payment by M.P.I.C. of a claim must be found within the four corners of the Act and Regulations. The relevant section of the Act reads as follows:

**“Entitlement to I.R.I. for first 180 days**

*Section 85 (1): A non-earner is entitled to an income replacement indemnity for any time during the 180 days after an accident that the following occurs as a result of the accident:*

.....  
*(b) He or she is deprived of a benefit under the Unemployment Insurance Act (Canada) or the National Training Act (Canada) to which he or she was entitled at the time of the accident.”*

In total, [the Appellant] received his full entitlement of 40 weeks of Unemployment Insurance benefits plus an additional 9 weeks of I.R.I. for the period he was unable to work. It cannot, therefore, be said that he was ‘deprived of a benefit’ under the Unemployment Insurance Act, nor can it be said that he suffered any other economic loss that was caused by the accident and that is covered by the insurance policy embodied in the Manitoba Public Insurance Corporation Act. M.P.I.C. was only required to step in to the picture if [the Appellant’s] injuries continued to prevent him from working and if he was not then entitled to collect Unemployment Insurance; M.P.I.C. did just that, and has therefore fulfilled its obligation to [the Appellant].

**DISPOSTION:**

We therefore confirm the decision of the Corporation’s Internal Review Officer and must deny [the Appellant’s] appeal.

Dated at Winnipeg this July 18, 1996.

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**LILA GOODSPEED**

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**F.LESLIE COX.**

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**J.F. REEH TAYLOR, Q.C.,  
(CHAIRPERSON)**