

**Automobile Injury Compensation Appeal Commission**

**IN THE MATTER OF an Appeal by [The Appellant]  
AICAC File No.: AC-04-124**

**PANEL:** Ms Yvonne Tavares

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

**HEARING DATE:** August 18, 2009

**ISSUE(S):** Entitlement to reimbursement of expenses for trigger point injections.

**RELEVANT SECTIONS:** Sections 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 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 May 31, 2004. The issue which arises on this appeal is whether the Appellant is entitled to reimbursement of medical expenses which she incurred for trigger point injections for symptoms involving the left side of her face.

At the outset of this appeal, a preliminary issue was raised concerning whether the issue currently before the Commission had already been settled by virtue of its decision dated December 1, 1999 in AICAC File No. AC-99-61 [text deleted]. This decision involved the same

parties, [the Appellant] and MPIC, and the same motor vehicle accident dated July 10, 1996, which are the subjects of the present appeal. In its decision dated December 1, 1999, the Commission found that the numbness on the left side of the Appellant's face was not caused by the motor vehicle accident of July 10, 1996. The Commission also found that the symptoms in the Appellant's left arm had some other cause besides the motor vehicle accident of July 10, 1996.

Pursuant to Section 136(1)(a) of the MPIC Act and 5(a) of Manitoba Regulation 40/94, two conditions must be satisfied before a claimant is entitled to reimbursement of medical expenses:

1. The expenses must have been incurred to treat injuries sustained in a motor vehicle accident on or March 1, 2004; and
2. the treatments must be "medically required".

By virtue of its decision dated December 1, 1999, the Commission has determined that the condition on the left side of the Appellant's face was not caused by the motor vehicle accident of July 10, 1996. It was this condition for which the Appellant undertook the trigger point injections. Pursuant to Section 188 of the MPIC Act, the Commission's decision is final and binding. Additionally, there was no new information presented by the Appellant respecting causation of her left facial symptoms which would permit a fresh decision in this matter pursuant to Section 171 of the MPIC Act. As a result, the Commission finds that this matter has been definitively settled by virtue of its decision dated December 1, 1999.

As a result, the Appellant's appeal is dismissed and the Internal Review Decision dated May 31, 2004 is confirmed.

Dated at Winnipeg this 27<sup>th</sup> day of August, 2009.

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**YVONNE TAVARES**