

Automobile Injury Compensation Appeal Commission

**IN THE MATTER OF an Appeal by [The Appellant]
AICAC File No.: AC-04-86**

PANEL: Ms Yvonne Tavares, Chairperson
Dr. Sharon Macdonald
Ms Sandra Oakley

APPEARANCES: The Appellant [text deleted] was not present at the appeal hearing;
Manitoba Public Insurance Corporation ('MPIC') was represented by Mr. Morley Hoffman.

HEARING DATE: September 14, 2009

ISSUE(S): Entitlement to Personal Injury Protection Plan Benefits beyond August 27, 2003.

RELEVANT SECTIONS: Sections 110(1)(a) and 160(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 March 4, 2004, with regards to his entitlement to Personal Injury Protection Plan ("PIPP") benefits beyond August 27, 2003. The appeal hearing was held on September 14, 2009 commencing at 10:30 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 PIPP benefits beyond August 27, 2003. The Commission finds that the Appellant has failed to establish that his PIPP benefits were improperly terminated pursuant to either Section 110(1)(a) or Section 160(a) of the MPIC Act. The onus rested with the Appellant to establish that the Internal Review Decision was incorrect. The Commission finds that the Appellant has not met that onus and has not established that:

1. he was unable to hold his pre-accident employment as of August 27, 2003; or that
2. he did not knowingly provide false or inaccurate information to MPIC.

Accordingly, the Appellant's appeal is dismissed and the Internal Review Decision dated March 4, 2004 is therefore confirmed.

Dated at Winnipeg this 24th day of September, 2009.

YVONNE TAVARES

DR. SHARON MACDONALD

SANDRA OAKLEY