

Automobile Injury Compensation Appeal Commission

IN THE MATTER OF an Appeal by [the Appellant]
AICAC File No.: AC-06-107

PANEL: Ms Yvonne Tavares

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

HEARING DATE: January 19, 2010

ISSUE(S): Whether Permanent Impairment Awards were properly assessed.

RELEVANT SECTIONS: Sections 127 and 129 of The Manitoba Public Insurance Corporation Act ('MPIC Act') and Section 1 and Schedule A of Manitoba Regulation 41/94.

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, [text deleted], is appealing two Internal Review Decisions, the first dated May 31, 2006 and the second dated October 23, 2006, with regards to the assessment of permanent impairment benefits for bodily injuries which she sustained in the motor vehicle accident of December 4, 2000. An appeal hearing was held on January 19, 2010. The Appellant did not attend the hearing or provide any submissions to the Commission in support of her appeal. In fact, prior to the appeal hearing, the Appellant advised the Commission that she did not want to pursue the appeals of either of the Internal Review Decisions. However, the Appellant neglected

to sign a Notice of Withdrawal form, formally withdrawing the appeal. As a result, the hearing of the appeals proceeded on January 19, 2010.

Upon a consideration of the totality of the evidence before it, and upon a consideration of the Appellant's expressed intention to not pursue the appeals of the Internal Review Decisions dated May 31, 2006 and October 23, 2006, the Commission finds that the Appellant:

1. has abandoned her appeal of the Internal Review Decision dated May 31, 2006;
2. has abandoned her appeal of the Internal Review Decision dated October 23, 2006; and
3. has not established that her Permanent Impairment benefits were incorrectly assessed.

As a result, the Appellant's appeals are dismissed and the Internal Review Decisions dated May 31, 2006 and October 23, 2006 are hereby confirmed.

Dated at Winnipeg this 28th day of January, 2010.

YVONNE TAVARES