

Automobile Injury Compensation Appeal Commission

**IN THE MATTER OF an Appeal by [the Appellant]
AICAC File No.: AC-07-100**

PANEL: Ms Yvonne Tavares, Chairperson
Ms Linda Newton
Ms Sandra Oakley

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

HEARING DATE: April 10, 2012

ISSUE(S): Entitlement to further Personal Injury Protection Plan benefits.

RELEVANT SECTIONS: Section 136(1)(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 June 21, 2007, with regard to her entitlement to further Personal Injury Protection Plan ("PIPP") benefits. The appeal hearing was held on April 10, 2012 commencing at 9:30 a.m. The Appellant did not attend the hearing or provide any written submissions to the Commission in support of her appeal.

At the outset of the hearing, it was determined that the Appellant had received notice of the hearing by virtue of her 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.

In a decision letter dated January 5, 2006, MPIC's case manager wrote to the Appellant to advise her that the medical information on her file did not support a probable cause and effect relationship between her current complaints and the injuries she sustained in the motor vehicle accident of July 31, 1998. As a result, MPIC was not prepared to extend coverage through PIPP for treatment of her current health problems and complaints.

The Appellant sought an Internal Review of this decision. In a decision dated June 21, 2007, the Internal Review Officer dismissed the Appellant's Application for Review and confirmed the case manager's decision of January 5, 2006. The Internal Review Officer also found that the medical documentation on the Appellant's file did not substantiate that her current symptoms were motor vehicle accident related.

The Appellant has appealed from that decision to this Commission. As previously noted, the issue on this appeal is whether the Appellant is entitled to further PIPP benefits as a result of her motor vehicle accident of July 31, 1998.

The onus is on the Appellant to establish that her ongoing symptoms are connected to the motor vehicle accident of July 31, 1998. The Appellant did not provide any additional oral or documentary evidence in support of her 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 she is entitled to further PIPP benefits for her current complaints as a result of the motor vehicle accident of July 31, 1998. The Commission finds that the medical evidence on the Appellant's file is insufficient to establish that her ongoing complaints and symptoms are related to the motor vehicle accident of July 31, 1998. As a result, the Appellant's appeal is dismissed and the Internal Review Decision dated June 21, 2007 is confirmed.

Dated at Winnipeg this 19th day of April, 2012.

YVONNE TAVARES

LINDA NEWTON

SANDRA OAKLEY