

**Automobile Injury Compensation Appeal Commission**

**IN THE MATTER OF an Appeal by [the Appellant]  
AICAC File No.: AC-13-128**

**PANEL:** Ms Yvonne Tavares, Chairperson  
Mr. Guy Joubert  
Mr. Les Marks

**APPEARANCES:** The Appellant, [text deleted], did not appear at the appeal hearing;  
Manitoba Public Insurance Corporation ('MPIC') was represented by Ms Danielle Robinson.

**HEARING DATE:** February 18, 2015

**ISSUE(S):** Entitlement to Personal Injury Protection Plan benefits for a seizure condition.

**RELEVANT SECTIONS:** Section 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 was involved in a high speed single motor vehicle accident on November 27, 2011. Her accident related injuries included a left rib fracture, a pneumothorax, an L3 comminuted fracture, left fifth metacarpal fracture, sutured right eyebrow and rupture of breast implant. Due to the bodily injuries which the Appellant sustained in the motor vehicle accident, she became entitled to Personal Injury Protection Plan ("PIPP") benefits in accordance with Part

2 of the MPIC Act. The Appellant is appealing the Internal Review decision dated June 20, 2013, with respect to her entitlement to PIPP benefits arising from her seizure condition.

The Appellant filed her Notice of Appeal with the Commission on October 24, 2013. The Appellant requested that her appeal proceed through the Automobile Injury Mediation (“AIM”) office. On September 15, 2014, the AIM office advised the Commission that the Appellant’s file was being closed at their office and the appeal would be proceeding at the Commission. Thereafter, the Commission attempted unsuccessfully, to contact the Appellant on numerous occasions regarding her appeal. Despite the numerous attempts that were made by the Commission to contact the Appellant, the Appellant has made no contact with the Commission, beyond January 16, 2014, in order to pursue her appeal. In due course, a hearing date was set for the Appellant’s appeal.

A Notice of Hearing regarding the appeal hearing was sent to the Appellant by regular mail and by Xpresspost mail. The Commission is aware that both letters were returned to the Commission unclaimed. As a result the Commission is aware that the Appellant did not receive formal notice of the appeal hearing which was held on February 18, 2015. However, at no time, has the Appellant provided any change of address information to the Commission. As a result, and due to the lack of any contact from the Appellant, the Commission determined that it would proceed with the hearing on February 18, 2015, in the absence of the Appellant, and hear submissions from counsel for MPIC.

**Decision:**

Upon hearing the submission of counsel for MPIC, the Commission finds that the Appellant has not established an entitlement to PIPP benefits in respect of her seizure condition.

**Reasons for Decision:**

The Appellant did not appear at the hearing or provide any submissions in respect of her appeal. Accordingly, the Commission finds that the Appellant has not met the onus of proof in this matter, in order to establish that her seizure condition is related to her motor vehicle accident of November 27, 2011.

Accordingly, the Commission finds that the Appellant is not entitled to PIPP benefits as a result of her seizure condition. As a result, the Appellant's appeal is dismissed and the Internal Review decision dated June 20, 2013 is confirmed.

Dated at Winnipeg this 18<sup>th</sup> day of March, 2015.

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**YVONNE TAVARES**

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**GUY JOUBERT**

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**LES MARKS**