

The Automobile Injury Compensation Appeal Commission (AICAC) is an independent specialist administrative tribunal that hears appeals filed by people who disagree with an internal review decision made by the Manitoba Public Insurance Corporation (MPIC) involving benefits under their no-fault Personal Injury Protection Plan.

AICAC is completely separate and independent of MPIC.

How do I file an appeal with AICAC?

The first step in filing an appeal is to obtain a Notice of Appeal form. The form is available at the AICAC office or on its web pages at www.gov.mb.ca/cca/auto/forms.html. The completed Notice of Appeal form may be filed in person at the AICAC office, or sent to AICAC by mail, email or fax. You must also include a copy of the MPIC internal review decision that you are appealing.

Can I get help with my appeal to AICAC?

You may represent yourself or choose someone else to represent you. Your representative does not have to be a lawyer. The Claimant Adviser Office is an independent advocacy office that can help you with your AICAC appeal for no charge. You can contact the Claimant Adviser Office by calling 204-945-7413 in Winnipeg; toll free 1-800-282-8069, ext. 7413.

Is a mediation option available?

The Notice of Appeal form asks you to select whether you want to choose mediation before proceeding with your appeal. Mediation is a voluntary, informal and confidential process. With your consent, a mediator who is independent of both MPIC and AICAC, will try to define or resolve issues in dispute. The mediator will prepare a written agreement for any issues that are resolved by you and MPIC. Mediation services are arranged by referral to the Automobile Injury Mediation Office.

Contact Information:

The Automobile Injury Compensation Appeal Commission

301-428 Portage Avenue
Winnipeg MB R3C 0E2

Phone 204-945-4155 in Winnipeg;
toll free 1-855-548-7443 in Manitoba

Fax 204-948-2402

Email autoinjury@gov.mb.ca

Website www.gov.mb.ca/cca/auto

Hours of operation are
8:30 a.m. to 4:30 p.m., weekdays.

This information is available in alternate formats upon request.

DISAGREE WITH AN MPIC INJURY
INTERNAL REVIEW DECISION?

CONTACT THE AUTOMOBILE INJURY COMPENSATION APPEAL COMMISSION

Manitoba 

What if the issues under appeal are not resolved through mediation?

If any of your issues are not resolved through mediation, you may continue with your appeal to AICAC.

What happens before an appeal proceeds?

If you choose not to participate in mediation or your appeal is not resolved by mediation, your appeal is returned to AICAC and a hearing will be scheduled. To help with the pre-hearing process, an appeals officer will be assigned to your case. The appeals officer cannot give you legal advice, nor offer any opinion as to whether you are likely to succeed.

The appeals officer will assemble documents that relate to your appeal and provide copies of those documents to you, MPIC and the panel hearing your appeal, so they may be referred to at your appeal hearing.

You are also entitled to file additional reports from your medical or health care provider, which you can refer to at your appeal hearing. AICAC will pay the cost of obtaining up to three reports to a maximum of \$373 each.

When all parties are ready to proceed, AICAC will contact both you and MPIC to schedule a hearing. AICAC will provide you with written notice of the hearing date, place and time.

Once the date of the hearing is set, AICAC will not permit an adjournment without an exceptional reason to do so.

What happens at an appeal hearing?

At an appeal hearing, you will be given the opportunity to explain why you disagree with MPIC's Internal Review Decision. MPIC will also be given the opportunity to explain its position. Both parties may refer to documents that were filed in the pre-hearing process to support their positions regarding entitlement to benefits. Both parties may call witnesses to give evidence.

Your appeal may be heard by one commissioner or a panel of three commissioners. All AICAC hearings are informal, but all people appearing are expected to conduct themselves in a respectful manner. Appeal hearings are open to the public unless AICAC, at your request or the request of MPIC, finds it compelling to hold a hearing in private. Cameras and recording devices are not allowed at hearings.

A more detailed explanation of the hearing process and how to prepare for it is found in *Guidelines for Hearings* available online and from AICAC's office.

What kinds of decisions can be appealed and what are the time limits?

If you disagree with an MPIC case manager's decision regarding an entitlement to Personal Injury Protection Plan benefits, you can apply for a review to the MPIC Internal Review Office. You have 60 days to apply in writing to MPIC for a review of the decision. An internal review officer will review the case manager's decision and issue a written decision with reasons.

If you disagree with MPIC'S internal review decision, you have 90 days from the date you receive it to file an appeal with AICAC. In exceptional circumstances, AICAC may exercise its discretion to extend the time by which an appeal must be filed.

How does AICAC make decisions?

Your appeal will take the form of a new hearing. AICAC is not bound by any decision of MPIC.

AICAC considers the evidence provided by you and by MPIC at the hearing. It must also consider The Manitoba Public Insurance Corporation Act and all associated regulations in making a decision.

Once it has reached a decision, AICAC will provide that decision in writing to both parties by mail. AICAC may confirm, increase or decrease any benefits awarded to you by MPIC.

Reasons for decisions are publicly available for review at the AICAC office during normal business hours and on the AICAC website. Decisions made available to the public are edited to protect privacy in compliance with privacy legislation in Manitoba.

Either party may appeal a decision of AICAC to Manitoba's Court of Appeal within 30 days from the date of receipt of the decision. Such appeals are limited to questions of jurisdiction or law, and can only proceed by permission from a Court of Appeal judge. If you intend to appeal an AICAC decision, the Court of Appeal Registry Office will advise you on procedure.