

Automobile Injury Compensation Appeal Commission

**IN THE MATTER OF an Appeal by [the Appellant]
AICAC File No.: AC-09-118**

PANEL: Ms Yvonne Tavares

APPEARANCES: The Appellant, [text deleted], was represented at the hearing by Ms Laurie Gordon of the Claimant Adviser Office; [the Appellant] was not present at the appeal hearing; Manitoba Public Insurance Corporation ('MPIC') was represented by Mr. Morley Hoffman.

HEARING DATE: February 16, 2011

ISSUE(S): Entitlement to Permanent Impairment benefits.

RELEVANT SECTIONS: Sections 127 and 129 of The Manitoba Public Insurance Corporation Act ('MPIC Act')

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 the Internal Review Decision dated June 16, 2009, with regards to her entitlement to permanent impairment benefits. The appeal hearing was held on February 16, 2011 commencing at 10:30 a.m. The Appellant did not attend the hearing.

At the appeal hearing, counsel for MPIC confirmed that a new impairment assessment dated October 2, 2010 had been conducted for the Appellant. This resulted in a new case manager's decision dated October 20, 2010. Counsel for MPIC further advised that the Appellant sought an Internal Review of the case manager's decision of October 20, 2010, relating to the latest

impairment assessment. At the appeal hearing, the Claimant Adviser advised that they have not had any contact with the Appellant and have been unable to obtain instructions from the Appellant.

Upon a consideration of the totality of the evidence before it, and the following factors:

1. that the Appellant is now seeking an Internal Review of the case manager's decision of October 20, 2010 regarding her recent permanent impairment assessment;
2. that the Appellant has not taken any further steps respecting her appeal of the Internal Review decision of June 16, 2009; and
3. that there is no prejudice to the Appellant resulting from a discontinuation of the appeal of the Internal Review decision of June 16, 2009,

the Commission finds that the Appellant has abandoned her appeal of the Internal Review Decision dated June 16, 2009.

As a result, the Appellant's appeal is dismissed and the Internal Review Decision dated June 16, 2009 is confirmed.

Dated at Winnipeg this 18th day of February, 2011

YVONNE TAVARES