

Bodily Injury Claim Decision Reviews

How to request a review of your injury claim decision.



MANITOBA
PUBLIC INSURANCE

This brochure is part of a package of material for claimants wanting a review of their injury claim decision. Please read it carefully for details on the review process, and for instructions on how to complete the enclosed application for a review of your injury claim decision.

Under *The Manitoba Public Insurance Corporation Act*, people who are injured in automobile accidents are entitled to compensation from a wide-ranging benefits plan known as the Personal Injury Protection Plan (PIPP). Manitoba Public Insurance has established an injury claims review office to assist injury claimants who believe they have not received all of the benefits to which the Act entitles them.

Manitoba Public Insurance's Internal Review Office operates independently. It is not part of our regular claims function, so the review officer handling your request will not be one of the claims staff who made the original decision on your claim.

If you are dissatisfied with our review of your injury claim, you have a further means for appeal: the Automobile Injury Compensation Appeal Commission is part of the provincial Consumer Protection Division.

The Automobile Injury Compensation Appeal Commission (AICAC) is the final step in the review. It is an independent agency established by the Manitoba government, with the jurisdiction to hear appeals in injury claims cases, and is completely separate from Manitoba Public Insurance.

After the Notice of Appeal has been filed, you will be given an option for an independent mediation before proceeding with the appeal with AICAC.

An independent mediator, who is contracted through the Automobile Injury Mediation (AIM) office, will work with you and an MPI representative to resolve issues in dispute, as an alternative to a hearing.

If you are unable to resolve the matter through independent mediation, an Appeals Officer from AICAC will be assigned to you to review the AICAC guidelines and schedule a hearing.

Decisions made by the Commission are final and binding on Manitoba Public Insurance. To have your appeal heard by the Commission, your claim decision must first be reviewed by Manitoba Public Insurance.

The review process

Your role

Once you've decided you want your injury claim decision reviewed, you must complete the enclosed form, "Application for Review of Injury Claim Decision," and send it to Manitoba Public Insurance in the enclosed envelope. You can either apply for a review yourself, or have someone else apply on your behalf.

Keep in mind that it's your responsibility to provide enough evidence to prove you are entitled to additional injury compensation. You might consider doing the following:

- submitting documents to support your application
- attending a hearing at which you present your arguments for further compensation
- finding other people who can support the facts of your situation

Our role

When Manitoba Public Insurance's review office receives your application, it will assign a review officer to examine your file.

Review officers can reject, change or uphold decisions made on injury claims. As part of this role, they determine whether compensation should be provided, and the kind and amount the claimant should receive. Your review officer can arrange for a hearing into your claim, at your request. They can also ask for documents from you or from other sources, and arrange for experts, such as doctors, to review your medical file.

The decision

After studying your claim, the review officer will provide you with a letter advising you of their decision.

If no hearing is called for, a decision can be made shortly after the review officer receives your application and the documents either you or the reviewer have requested. If a hearing is necessary, the review decision will be made shortly after the hearing is finished, and all of the required documents have been received.

The process ends once the review officer arrives at a decision. Your injury claim file is then returned to your case manager for any follow-up. Keep in mind, too, that you can withdraw your review request any time during the process by simply advising our Internal Review Office.

How to apply for a review

To arrange for an injury claim decision review, you should use the application form enclosed with this brochure.

Time limit

Manitoba Public Insurance must have your application within 60 days from the date on which you received our decision on your claim settlement. This time limit is important because we will normally only consider a request for a review if it has been mailed to us or brought to one of our offices before the 60-day period ends.

An application received after the time limit must be accompanied by an explanation of why you missed the deadline. After looking into your explanation, we may be able to grant an extension.

Completing the application

Here's how to complete your "Application for Review of Injury Claim Decision" form – after completing the top portion, which asks for personal information (name, address, etc.), there are four more sections which must be filled out.

SECTION 1

Tell us why you are asking for a review

In your description, clearly identify the benefits to which you believe you are entitled, but which you did not receive.

Example 1

I ask for a review of the decision of May 15, 2022, which cut off income replacement indemnity payments. I believe I am entitled to payments until July 9, 2022 because my injuries prevented me from resuming employment before then.

Example 2

I ask for a review of the decision of July 20, 2022, because no compensation has been paid for permanent impairment of my left knee.

SECTION 2

Tell us whether you intend to send us further information, and what it is

That way, we'll know we should wait for it before we begin the review.

For example, you might be waiting for a medical report that's not already in your injury claim file, but that supports your review request. We suggest you file the application for review **BEFORE** you receive the medical report, so you don't miss the 60-day deadline. If you tell us in the application that the report is on its way, we won't start the process until we receive it.

SECTION 3

Hearing option

You have the option of personally presenting your case to a review officer at a hearing into your application, or to simply submit your application and any supporting documents to them. The review officer will examine your file and make a decision based on the available evidence, whether you choose a hearing or not.

If you don't need a hearing, check the box marked "No". If you want a hearing with your review officer, check the box marked "Yes".

SECTION 4

Sign and date the application

Reimbursement of fees and expenses

You can be reimbursed for the fees associated with obtaining a medical assessment report if you submitted one to support your review application, according to Manitoba Public Insurance's schedule of payments. You are responsible for any other expenses you might incur as a result of your review request.

Information and assistance available

If you need more information on our injury claim decision reviews, or if you need help completing the enclosed application for review, please call Manitoba Public Insurance's Review Office:

204-985-8000 (In Winnipeg)

1-800 493-9993 (Anywhere in Canada,
Outside Winnipeg)

or email internalreview@mpi.mb.ca

The information contained in this brochure is of a broad, general nature. *The Manitoba Public Insurance Corporation Act*, the *Highway Traffic Act* and their accompanying regulations should be consulted for interpretation and application of the law.



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