

**Automobile Injury Appeal Commission
Province of Saskatchewan**

Citation: *Z.N. v. Saskatchewan Government Insurance,*
2005 SKAIA 034
Date: 20050706
File: 125 of 2004

BETWEEN

Z.N., Applicant

and

Saskatchewan Government Insurance, Respondent

Appearances:
Z.N., Applicant
Stephen McLellan, for the Respondent

Before: **Stan Loewen, Chair**
Conrad Hnatiuk, Commission Member
Carolyn Jones, Commission Member

**THIS DECISION HAS BEEN EDITED TO PROTECT THE PERSONAL AND HEALTH
INFORMATION OF INDIVIDUALS BY REMOVING PERSONAL IDENTIFIERS AND
OTHER IDENTIFYING INFORMATION.**

Heard at Regina, Saskatchewan
March 30, 2005

DECISION

INTRODUCTION

[1] Z.N., the Appellant, appeals from a decision of Saskatchewan Government Insurance ("SGI") dated July 13, 1004, in which SGI advised her that SGI will not provide any further funding for treatment.

FACTS

[2] The Appellant was involved in a single vehicle roll-over on April 22, 2002 at 5:30 p.m. The vehicle she was operating on a grid road, 3/4 mile off Highway [number] caught loose gravel, the Appellant lost control and subsequently the car rolled into the ditch landing upside down.

[3] The Appellant got out of the car just as her husband came by. She went home, called the RCMP and then attended the Moose Jaw Hospital.

[4] The Appellant has one kidney and states she is unable to take medication as a result.

[5] The Appellant had one day off, returning to work on April 24, 2002, half-time.

[6] The Appellant returned to work full-time on May 23, 2002.

[7] The Appellant quit work as a [occupation] in October 2002. From May 2002 – October 2002, the Appellant worked mornings.

[8] Initial examination on the day of the accident uncovered no abnormalities. The Appellant sought medical attention on April 29, 2002 for right side neck pains.

[9] The Appellant, on June 21, 2002 was assessed by Independent Medical Rehabilitation. She had attended massage therapy May 9, 14, 15, 16, 17, 21, 2002; June 5, 13, 18, 21 and 20, 2002. The outcome reported as "Fully functional, returned to work on full duties."

[10] By August 01, 2002, the Appellant experiences a "flare-up" - pain on right side of the neck and down to shoulder. She reports a "cracking" in the neck on August 12, 2002. SGI approves and the Appellant receives further therapy through August 2002. X-Rays taken August 19, 2002 are clear of abnormalities. Further massage is recommended.

[11] October 21, 2002 - Independent Medical Rehabilitation clinic report states:

"Patient still complains of her right arm falling asleep at times with numbness and tingling --- doing better since she has finished working at [business]."

"Patient still presents with myofacial tightness..."

Recommendation is to continue with exercise.

[12] November 26, 2002 - Independent Medical Rehabilitation assessment states:

"patient did not complete program ... is not returning for physiotherapy follow-up"

After 28 treatments between August 1, 2002 and January 9, 2003, the Appellant confirmed on January 9, 2003 she was not returning for physiotherapy follow-up.

[13] March 26, 2004 – The Appellant requests further treatment. This request is made sixteen months after terminating approved treatment (November 26, 2002 last treatment - March 26, 2004 request made for additional treatment).

[14] The Appellant has also presented at the Hearing a request for re-imbusement of student loan for tuition fees and living expenses paid to Academy of Learning in the amount of \$18,287.85. The Appellant entered the Academy of Learning in October 2003 and terminated program in September 2004. This plan was not discussed, approved by SGI or related to any planning with SGI related to MVA of April 2002.

[15] The Appellant also presented argument for additional Income Replacement Benefit. This issue is not a matter before the current appeal. The Appellant can make her case to SGI regarding Income Replacement Benefits, then determine on basis of SGI decision whether or not to appeal any subsequent decisions.

CONCLUSION

[16] On the basis of current evidence presented, the Commission finds no clinical evidence to support a claim for further treatment related to the motor vehicle accident of April 2002.

[17] It is noted that the Appellant is on a waiting list for a MRI. Should new information be available, the Appellant may file a new request to SGI.

[18] Regarding the matters of income replacement and lost wages, this issue is not the subject of any claim to SGI and subsequent decision, therefore is not subject of the current appeal of the SGI decision of July 13, 2004 regarding funding for further treatment.

[19] The Appellant may choose to make a claim to SGI regarding wages and subsequently may receive a decision from SGI.

[20] Similarly, the information presented regarding the student loan is outside of the matter under appeal and based on evidence provided has no relevance to matters appealed.

Dated at Regina, Saskatchewan, on July 6, 2005.

Stan Loewen, Chair

Conrad Hnatiuk, Commission Member

Carolyn Jones, Commission Member