

**Automobile Injury Appeal Commission  
Province of Saskatchewan**

**Citation:** *T.V. v. Saskatchewan Government  
Insurance, 2006 SKAIA 027*

**Date:** **20060421**

**File:** **117 of 2004**

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**BETWEEN**

**T.V., Applicant**

**and**

**Saskatchewan Government Insurance, Respondent**

**Appearances:** **T.V., Claimant**  
**Wayne Rusnak, Claimant Solicitor**  
**Stephen McLellan, SGI Solicitor**

**Before:**  
**Bev Cleveland, Chair**  
**Tim Brown, Commission Member**  
**Carol Olson, Commission Member**

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

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Heard at Regina, Saskatchewan  
16 August, 2005

## DECISION

[1] The Appellant, T.V., appeals SGI's May 10, 2004 to deny payment of benefits for a wrist injury which he claims and SGI by that letter denies, was caused by a motor vehicle accident on December 29th 2000.

[2] On that day, the Appellant, a 33-year-old resident of [place] and [tradesman] by occupation, was driving home when he was struck on the passenger side of the vehicle which caused a subsequent collision with a snow bank.

[3] At the time of climbing out the passenger window following the collision, he noticed his wrist hurt. However, at the time of reporting these matters to medical practitioners both at emergency and to his family physician, Doctor Davies, he complained only of pain in his back and hip, which he indicates was severe.

[4] In fact, it was not until May of 2001, four months following the accident that the injury was first documented by Dr. Davies. There was no mention made of this injury on his application for benefits.

[5] Dr. Alport's October 15, 2004 medical review letter questions the connection of the injury to the accident. The most prevalent point made was that it would be common sense to assume that such an injury would have been extremely painful from the outset and therefore reported accordingly.

[6] While we respect the concerns set out by Dr. Alport, SGI's medical consultant, we accept that the injury to the Appellant's wrist was caused by the December 29th 2001 motor vehicle accident and come to that decision based on a consideration of the whole of the evidence.

[7] Our reasons for coming to this conclusion are based on the evidence given by the Appellant, Dr. Davies and the Appellants mother.

[8] The Appellant testified that he felt his wrist give out while trying to climb out of the car immediately following the accident. He indicated that his wrist was painful, but nothing compared to the pain he felt in his back.

[9] Both the Appellant and his mother testified that his wrist was sore and bothering him. They applied a tensor bandage to the wrist within a week or two of the accident, following which he wore a wrist brace his mother bought at the drug store and then a second similar apparatus which was purchased after it was concluded that the first brace wasn't working.

[10] The Appellant claims that he didn't tell the Doctor about the wrist because he saw this as a trifling injury, based on relative pain, to his back.

[11] As the wrist deteriorated and gave the Appellant increased pain, his mother convinced him to report this matter to the Doctor, because it had gone on too long, and according to her, her son listened to her and subsequently reported the matter to Dr. O'Keefe in May, some four months after the accident.

[12] Though Dr. Alport is correct that the absence of clinical disclosure of this injury for such a period of time could be a significant factor in terms of determining causation in this case, and although we respect his opinion, we had the benefit of hearing from the Appellant and his mother, and Dr Alport did not have the same.

[13] We found the Appellant's testimony about why he did not report the injury sooner to be credible and found him to be the type of person who would be stoic about such an injury until eventually convinced by his mother after informal and unsuccessful self-treatment to report the matter to a Doctor, which is what happened in this case.

[14] It may be that the pain increased because the size of the ligament tear also increased in size, according to Dr. Davies. It may well be that initially the fairly significant pain medication taken for his back at the outset tended to mask the pain in his wrist in the initial stages.

[15] We do accept, however, that he had no pain or injury to the wrist prior to the accident, and though not noted in the medical documents, he did have immediate pain which he hoped would resolve on its own.

**CONCLUSION**

[16] Having accepted the evidence, we are satisfied on the balance of probabilities that the Appellant's injury was caused by the December 29th 2001 accident.

[17] Since this is the sole issue on appeal, the matter is directed back to SGI for a determination of what benefits should accrue to the Appellant in light of our decision.

**Dated** at Regina, Saskatchewan, on April 21, 2006.

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Beverly Cleveland, Chair

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Tim Brown, Commission Member

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Carol Olson, Commission Member