

**Automobile Injury Appeal Commission
Province of Saskatchewan**

Citation: *K.R. v. Saskatchewan Government Insurance,*
2006 SKAIA 054
Date: 20060929
File: 098 of 2005

BETWEEN

K.R., Applicant

and

Saskatchewan Government Insurance, Respondent

Appearances:
No appearance for the Applicant
Dale Brown, for the Respondent

Before: **Barbara Tomkins, Chair**
Carol Olson, 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 Prince Albert, Saskatchewan
September 27, 2006

DECISION

[1] The Appellant, K.R., appealed to the Automobile Injury Appeal Commission against Saskatchewan Government Insurance's decision to discontinue her benefits pursuant to section 183 of *The Automobile Accident Insurance Act*. A hearing of the appeal was scheduled in Prince Albert, Saskatchewan at 9:00 a.m. on September 27, 2006. The Appellant did not attend at the scheduled time, nor had she attended by 9:30 a.m.

[2] We contacted the Commission Office which advised that the Appellant had not contacted the office on September 27, 2006 or on any date prior to advise that she would not attend the appeal hearing as scheduled. A telephone call to a number the Appellant had provided as a contact was unanswered.

[3] The Commission has in its possession a copy of a letter addressed to the Appellant, dated August 8, 2006 over the name of Nadine Johnson, Manager of Operations for the Commission and signed on her behalf by Daina Haniak. In the letter, the Appellant is informed of the date, time and place of the hearing. The letter also advised the Appellant that, should she fail to attend the hearing, the Commission might:

- proceed with the hearing and render a decision in her absence;
- dismiss the appeal without conducting the hearing; or
- depending on circumstances brought to the Commission's attention, grant an adjournment.

These alternatives are set out in section 97 of *The Personal Injury Benefits Regulations*.

[4] In addition, the Commission has in its possession a Canada Post receipt showing that the letter was delivered on August 14, 2006 and that it was signed for by the Appellant. The Commission is satisfied, therefore, that the Appellant was given written notice of the time, date and place of the hearing.

[5] The Commission is inclined to dismiss the Appellant's appeal without conducting a hearing in accordance with section 97(1)(b) of the regulations. However, the Appellant

may have a valid reason for her failure to attend and we believe that she should be given an opportunity to explain her absence should she wish.

[6] That being the case, the Commission orders that the Appellant's appeal in this matter is dismissed, subject to the following:

- a) The Commission Office will mail the Appellant a copy of this decision, along with a covering letter advising the Appellant that she will have ten days from her receipt thereof to contact the Commission Office, if she wishes, to provide an explanation for her absence.
- b) In the event an explanation is offered, a date will be set for all parties to discuss the explanation and to determine whether the dismissal should be entered or whether the hearing should be rescheduled.
- c) Failing such contact by the Appellant within the ten day period, the appeal is dismissed.

[7] If the dismissal becomes final pursuant to the paragraph above, the Appellant shall not be entitled to her costs. In the event that the hearing is rescheduled, costs will be determined at the time of the rescheduled hearing.

Dated at Regina, Saskatchewan, on September 29, 2006.

Barbara Tomkins, Chair

Carol Olson, Commission Member

Carolyn Jones, Commission Member