

**Automobile Injury Appeal Commission
Province of Saskatchewan**

Citation: *E.V. v. Saskatchewan Government
Insurance, 2007 SKAIA 056*
Date: 20070405
File: 032 of 2006

BETWEEN

E.V., Applicant

and

Saskatchewan Government Insurance, Respondent

Appearances:
E.V., Applicant
Allan McLeod, for the Respondent

Before: **Jane Lancaster, Q.C., Chair**
Carolyn Jones, Commission Member
Marjory Gammel, 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 Saskatoon, Saskatchewan
April 3, 2007

Order

[1] E.V., the Appellant, appealed to the Automobile Injury Appeal Commission against Saskatchewan Government Insurance's decision to terminate claims for benefits pursuant to section 183(1) of *The Automobile Accident Insurance Act*. A hearing of this appeal was scheduled in Saskatoon, Saskatchewan at 9:00 a.m. on April 3, 2007.

[2] When the Appellant did not appear at the appointed time, we directed the clerk of the commission to attempt to contact the Appellant by telephone using the telephone numbers he had provided to the commission. In addition, the clerk contacted the Commission office to inquire if the Appellant had contacted the office.

[3] After several tries, the clerk spoke to the Appellant who advised that he was aware of the hearing but that his baby was ill and he had a doctor's appointment at 10:00 a.m. on April 3, 2007 and he wanted the hearing postponed.

[4] The clerk told the Appellant that he should speak to the panel and she would contact him by telephone immediately.

[5] Numerous attempts to contact the Appellant at this and other phone numbers were unsuccessful.

[6] On March 27, 2007, the commission office contacted the Appellant by telephone and confirmed with him that he had received by registered letter the date and time of his appeal. In the letter, the Appellant is also advised that should he fail to attend the hearing, the Commission might:

- Proceed with the hearing and render a decision in his absence;
- Dismiss the appeal without conducting the hearing; or
- Depending on the circumstances brought to the Commission's attention, grant an adjournment.

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

[7] The Commission is inclined to dismiss the Appellant's appeal without conducting a hearing in accordance with section 97(1) of the *Regulations*.

[8] However, if the Appellant can provide verification that he had a medical appointment for his child and did in fact attend this medical appointment on April 3, 2007, within 10 days of the receipt of this order, we will grant an adjournment of the hearing.

[9] If this verification is not received, the Appellant's appeal is dismissed.

[10] Therefore, the Commission orders that the Appellant's appeal in this matter is dismissed, subject to the following:

a) The Commission office will mail by overnight courier a copy of this decision to the Appellant with a cover letter advising him that he must provide the doctor's verification of a medical appointment and attendance by the Appellant at that medical appointment and such verification must be mailed to the Commission and postmarked within 10 days of the mailing of this letter.

b) Failing the receipt of this information within the 10 day period, the Appellant's appeal is dismissed.

[11] If the dismissal becomes final, the Appellant shall not be entitled to his costs. In the event that the hearing is rescheduled, costs will be determined at the time of the rehearing

Dated at Saskatoon, Saskatchewan, on April 5, 2007.

Jane Lancaster, Q.C., Chair

Carolyn Jones, Commission Member

Marjory Gammel, Commission Member