

**Automobile Injury Appeal Commission
Province of Saskatchewan**

Citation: *R.L. v. Saskatchewan Government Insurance,*
2007 SKAIA 067
Date: 20060517
File: 111 of 2005

BETWEEN

R.L., Applicant

and

Saskatchewan Government Insurance, Respondent

Appearances:
R.L., Applicant, not in attendance
Stephen McLellan, for the Respondent

Before: **Beverly Cleveland, Chair**
Jane Lancaster, Q.C., 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.**

Heard at Regina, Saskatchewan
May 15, 2007

DECISION

[1] The Appellant, R.L., appealed to the Automobile Injury Appeal Commission against Saskatchewan Government Insurance's decision to terminate his benefits pursuant to Part VIII of *The Automobile Accident Insurance Act*. A Hearing of his appeal was scheduled in Regina, Saskatchewan at 9:00 a.m. on May 15, 2007. The Appellant did not attend the hearing at the scheduled time, nor had he attended by 9:25 a.m.

[2] The Commission reviewed the history of contact with the Appellant and read into the record the following information.

- By letter dated April 3, 2007, Nadine Johnson, Manager of Operations for the Automobile Injury Appeal Commission informed the Appellant of the date, time and place of hearing. The letter also advised the Appellant that, should he fail to attend the hearing, the Commission might:
 - Proceed with the hearing and render a decision in his absence; or
 - Dismiss the appeal without conducting the hearing; or
 - Depending on the circumstances brought to the Commission's attention, grant an adjournment.

(The above noted alternatives are set out in section 97 of *The Personal Injury Benefits Regulations*.)

- Notice of a Canada Post receipt showing that the above referred letter was delivered on April 11, 2007 and was signed for by the Appellant.
- By letter dated April 17, 2007 to the same address as the April 3, 2007 correspondence, the Appellant was again notified of the date, time and place of the hearing and provided a copy of the appeal package containing documents filed by the Appellant and Saskatchewan Government Insurance.

- Record of telephone calls to contact numbers left by the Appellant made by Commission staff on May 2 and 3, 2007 with instructions for the Appellant to contact the Commission office and included both the office number and toll free number of the Commission.
- Record of conversation on May 3, 2007, with the Appellant's father, who had phoned the Commission office and spoke to staff advising that the Appellant was away working and wanted to cancel the hearing. As it was unclear what actual instructions the Appellant's father had received from his son, he was asked to have the Appellant contact the Commission office by May 6, 2007, to confirm what he wanted to do with regard to the scheduled hearing.
- Not receiving any contact from the Appellant, record of further attempts by Commission staff to contact the Appellant on May 10 and May 14, 2007 leaving voice messages (mail) asking him to contact the Commission office and leaving both office telephone and toll free numbers.
- Statement by hearing clerk that on the morning of the hearing on May 15, 2007, she contacted the Appellant by telephone him at 9:05 a.m. and received a busy signal; a second call was made at 9:07 a.m. and no answer was received and she left a voice message (mail) that the Appellant contact the Commission office; a final telephone call was made with no answer at 9:15 a.m.

[3] The Commission panel is satisfied that the Appellant was given written notice of the time, date, and place of the hearing.

[4] Pursuant to section 97(1)(b) of the Personal Injury Benefits Regulations, the Commission dismisses the Appellant's appeal without conducting a hearing.

Dated at Regina, Saskatchewan, on May 17, 2007.

Beverly Cleveland, Chair

Jane Lancaster, Q.C., Commission Member

Carol Olson, Commission Member