

**Automobile Injury Appeal Commission
Province of Saskatchewan**

Citation: *A.O. v. Saskatchewan Government Insurance,*
2007 SKAIA 092
Date: 20070917
File: 032 of 2007

BETWEEN

A.O., Applicant

and

Saskatchewan Government Insurance, Respondent

Appearances:

A.O. and A.J., for the Applicant

Allan MacLeod, for the Respondent

Before: **Beverly Cleveland, Chair**
Jane Lancaster, Q.C. 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 Regina, Saskatchewan
September 13, 2007

ORDER

[1] This matter was originally set down for hearing on July 25, 2007. In her appeal applications, received April 3 and May 23, 2007, the Appellant requests living assistance benefits, travel expenses, cervical pillow, and treatment (rehabilitation – swimming, yoga, physiotherapy and acupuncture). In a preliminary discussion, counsel for SGI advised the file had been submitted to the medical consultant for review; included in the documents filed by SGI was an accident reconstruction report however no decision had been made respecting causation for the injuries for which the Appellant seeks benefits and/or reimbursement for expenses.

[2] As well, it was noted that no decision letters had been given respecting the Appellant's request for a cervical pillow and living assistance benefits. It was further noted the decision letter from which the Appellant had brought her appeal did not contain reasons for SGI's denial for funding for swimming and yoga. In addition, the Commission panel sought clarification from SGI concerning its decision denying reimbursement for Dr. Ho's treatment – specifically, is he, in fact, not a recognized acupuncturist or is he not on an internal list of providers that SGI recognizes, or both.

[3] The Appellant also confirmed on July 25, 2007 that she had been referred to FIT for Active Living for an assessment.

[4] Given the above, it was agreed by consent, that the matter be adjourned to September 17, 2007.

[5] On or about September 7, 2007, counsel for SGI contacted the commission office and advised that the Appellant would be attending Wascana Rehabilitation in Regina, SK for a functional abilities evaluation (FAE) on September 24 and 25 and was requesting an adjournment of the previously agreed to date of September 17 to allow SGI's medical consultant to review the conclusions and/or recommendations of the rehabilitation team. Counsel acknowledged that SGI medical consultant had not yet offered an opinion on causation.

[6] The Appellant is desirous of proceeding with her appeal as quickly as possible.

[7] We are persuaded to grant the further adjournment in this matter given the close date of the assessment at Wascana Rehabilitation and the nature of the assessment and the Appellant's request for treatment and in particular living assistance and rehabilitation benefits. Counsel for SGI has also undertaken to manage the file on an expedited basis once the results of the FAE are received from Wascana Rehabilitation.

[8] As well, he agrees to provide the Appellant a copy of the Wascana report as soon as it is received so that she has reasonable time to take it to her treating health providers for review and consideration.

[9] With the consent of the parties, this matter is adjourned to November 8, 2007. SGI is directed to provide the Appellant a copy of the report of the functional abilities evaluation by Wascana Rehabilitation FAE as soon as it is received and further to manage the file on an expedited basis such that, if any further decision letters are issued, that the Appellant has a reasonable opportunity to respond to them before this matter next comes on for hearing. In that event, and if the Appellant does not agree with any further decisions made by SGI, she will be required to file an application for appeal with the Commission office in order that all matters can be heard together.

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

Beverly Cleveland, Chair

Marjory Gammel, Commission Member