

Automobile Injury Appeal Commission

Province of Saskatchewan

Citation: *Y.A. v. Saskatchewan Government Insurance,*
2007 SKAIA 094
Date: 20070918
File: 014 of 2007

BETWEEN

Y.A., Applicant

and

Saskatchewan Government Insurance, Respondent

Appearances:
Y.A., for the Applicant
Joan Eremko, for the Respondent

Before: **Beverly Cleveland, Chair**
Conrad Hnatiuk, Commission Member
Jeffrey Scott, 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 5, 2007

ORDER

[1] This matter came on for hearing on September 5, 2007. In a preliminary discussion with the parties, the Commission panel noted that the Appellant was appealing the denial of living assistance benefits commencing from the date of the accident on June 23, 1996. The decision letter from which she brought her appeal however stated that benefits were payable from May 2005. As there appeared no reasons given in the decision for the period June 23, 1996 to May 2005, the panel invited comments from both parties, particularly SGI, about the Commission's jurisdiction to decide the Appellant's entitlement to benefits for the said period.

[2] During the discussions, it was raised by a member of the Commission that there was an exchange of emails between the personal injury representative and the Appellant that appeared to deal with her inquiry and request for living assistance benefits. After a brief adjournment to consider the comments of the Commission panel, counsel for SGI acknowledged the decision letter from which the Appellant appeals did not address the period June 23, 1996 to May 2005 or at least that it provided no reasons if it had been considered.

[3] We conclude therefore that the Commission does not have jurisdiction to hear the appeal. With the consent of counsel, SGI is directed to issue a decision letter respecting living assistance benefits for the period June 23, 1996 to May 2005. In the circumstances, the Appellant was advised if she disagrees with SGI's forthcoming decision letter, she must file another appeal application with the Commission office. Further, in these circumstances, SGI agrees to pay the Appellant's costs for her attendance at the within appeal hearing.

[4] A post-hearing review of the above referred exchange of emails suggests that SGI was at least aware that the Appellant was inquiring about her entitlement to benefits "back to when her accident happened"¹ and SGI had considered her request but concluded "...I will back pay [the Appellant] to May 2005 when she started emailing Darlene that she was struggling".² As noted by counsel for SGI however no reasons for the decision or reference to this earlier period was

¹ injury note created January 16/07 at 3:12 pm

² injury note created January 16, 2007 – 3:16 pm

included in the decision letter dated January 24, 2007 giving rise to the within appeal hearing. Whereas the Commission might have found jurisdiction based on these documents, we are, on balance, satisfied that the better approach was to direct SGI to issue a decision letter for the relevant period together with reasons for its decision.

Dated at Regina, Saskatchewan, on September 18, 2007.

Beverly Cleveland, Chair

Conrad Hnatiuk, Commission Member

Jeffrey Scott, Commission Member