

**Automobile Injury Appeal Commission
Province of Saskatchewan**

Citation: *E.M. v. Saskatchewan Government Insurance,*
2008 SKAIA 004
Date: 20080124
File: 052 of 2005

BETWEEN

E.M., Applicant

and

Saskatchewan Government Insurance, Respondent

Appearances:
E.M., for the Applicant
Dale Brown, for the Respondent

Before: **Jane Lancaster, Q.C., Chair**
Carol Olson, Commission Member
Darleen Topp,, 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
October 11, 2006

DECISION

[1] The Appellant, E.M., appealed from a January 31, 2005 decision letter of Saskatchewan Government Insurance (“SGI”) and a hearing was set for October 11, 2006.

[2] At the date of the hearing, the matter was adjourned *sine die*, so that the Appellant could obtain some additional medical information.

[3] If the Appellant and SGI could not, on the basis the new medical information come to an agreement regarding his entitlement to further rehabilitation funding or other benefits, the appeal was to resume.

[4] The parties have informed the Commission that they have reached a decision and have provided the terms of settlement.

[5] We therefore order the following as set out in the terms of the agreement:

- a) The parties jointly request the Appeal Commission to direct the setting aside of the decision letter dated January 31, 2005.
- b) The parties further request the Commission to direct that Saskatchewan Government Insurance (SGI), in light of the terms of the report prepared by Richard Bourassa, dated May 14, 2007, will reinstate payment for ongoing regular chiropractic treatments on behalf of the Appellant, with the necessity for ongoing future care to be reviewed by Saskatchewan Government Insurance. In the event there is a review by Saskatchewan Government Insurance of the chiropractic benefit, Saskatchewan Government Insurance will ensure that a decision letter is prepared and forwarded to the Appellant advising of the insurer’s position and providing the Appellant such appeal options as provided by legislation.
- c) The parties request the Commission to direct payment of chiropractic treatments for which the Appellant has paid the cost of the same, since the last payment by SGI on January 14, 2005. The Appellant agrees to provide proof of the attendances upon the chiropractor.
- d) Saskatchewan Government Insurance will pay interest on the said sum to be calculated in paragraph (c) in accordance with *The Pre-Judgement Interest Act*. SGI

will also pay the flat mileage rate for each of these visits since January 14, 2005 to and continuing into the future.

e) Saskatchewan Government Insurance agrees to pay the costs of the appeal of appeal which includes the fee for Dr. Levesque to testify, photocopy costs and the refund of the \$75 appeal in the event the same is not reimbursed by the Automobile Injury Appeal Commission due to the his successful appeal.

[6] As the Appellant has been successful in his appeal, his appeal fee in the amount of \$75 is reimbursed to him

Dated at Saskatoon, Saskatchewan, on January 24, 2008.

Jane Lancaster, Q.C, Chair

Carol Olson, Commission Member

Darleen Topp, Commission Member