

**Automobile Injury Appeal Commission  
Province of Saskatchewan**

**Citation:** *F.N. v. Saskatchewan Government  
Insurance, 2008 SKAIA 035*

**Date:** 20080620

**File:** 072 of 2007

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**BETWEEN**

**F.N., Appellant**

**and**

**Saskatchewan Government Insurance, Respondent**

**Appearances:**

**No Appearance for the Appellant**

**Jane Watson, for the Respondent**

**Before:** Ann Phillips, Q.C., Chair  
Jean MacKay, Commission Member  
Barbara Tomkins, Commission Member

**THIS DECISION HAS BEEN EDITED TO PROTECT THE PERSONAL AND HEALTH  
INFORMATION OF INDIVIDUALS BY REMOVING PERSONAL IDENTIFIERS AND  
OTHER IDENTIFYING INFORMATION.**

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Heard at Regina, Saskatchewan  
June 5, 2008

## DECISION

[1] The Appellant, F.N., was injured in a motor vehicle accident and appealed, under *The Automobile Accident Insurance Act*, a decision by SGI regarding his benefits. The appeal was scheduled for hearing on June 5, 2008 at 9:00 a.m. At the appointed time and date, the Appellant had not appeared and he had not appeared by 9:50 a.m.

[2] We are satisfied that the Appellant received a written notice setting out the time, date and place of the hearing and that he acknowledged receipt of the notice in a telephone conversation on March 17, 2008. In addition, we are satisfied that Commission staff attempted to contact the Appellant on numerous occasions from that date until June 4, 2008 and left numerous messages; none of them were returned. We are also satisfied that at least one of those messages confirmed the date, time and place of hearing. We are therefore satisfied that the Appellant was aware that his appeal hearing would be held at the Commission's Regina office on June 5, 2008 at 9:00 a.m.

[3] When an Appellant who had received notice of the time, date and place of hearing does not attend the hearing, the Commission may, in accordance with section 97(1) of *The Personal Injury Benefits Regulations*:

- 1) hear and decide the appeal in the absence of the appellant;
- 2) dismiss the appeal without conducting the hearing; or
- 3) grant an adjournment and assign a new time, date and place for the hearing.

[4] The Commission decided that the appeal would be dismissed without further notice unless the Appellant contacted the Commission offices on or before June 19, 2008 and provided a valid reason for his failure to attend the hearing. The Appellant was advised of this by letter sent both by ordinary and registered mail and by telephone message on June 6, 2008.

[5] The Appellant has not contacted the Commission offices.

[6] Therefore, the appeal is dismissed.

**Dated** at Regina, Saskatchewan, on June 20, 2008.

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Ann Phillips, Q.C., Chair

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Jean MacKay, Commission Member

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Barbara Tomkins, Commission Member