

Application Form Instructions



Saskatchewan
Justice

Automobile Injury Appeal Commission

504-2400 College Avenue
Regina, Saskatchewan
S4P 1C8

Phone: (306) 798-5545
Toll Free: 1-866-798-5544
Fax: (306) 798-5540

PART 1 - Claimant Information

Please complete **EITHER** Part 1 OR Part 2. Do not complete both.

PART 2 - Claimant's Representative

If the claimant is incapable of conducting his or her own affairs, or if the claimant is a minor, or deceased, or is otherwise incapable, the person with authority to represent the claimant should complete this part. Please check the box that identifies your authority ("Parent", "Guardian", "Executor"), and attach a copy of the document proving your authority to represent the claimant. Check the box "Other" if none of the above apply, and specify your authority, with supporting documentation, if any.

PART 3 - Claimant's Legal Counsel

You may, but do not have to, have a lawyer assisting you. If you do, please provide this information.

PART 4 - SGI File Number

Your application is an appeal from SGI's written decision respecting your benefits. That decision makes reference to your SGI file number and informs you of your right to ask for mediation and your right to appeal the decision. You may have attempted to resolve your dispute with SGI by discussing your claim with a Personal Injury Supervisor.

If you asked for mediation, you can still appeal the written decision after mediation is complete.

Whether you have chosen to appeal upon receipt of the written decision or after mediation, you must choose between the Court of Queen's Bench or the Automobile Injury Appeal Commission. You may only choose one or the other.

Mediation Option

You have 90 days from the date of SGI's written decision to request mediation. If you did that, you have an additional 60 days from the date of the mediator's written statement that mediation is completed to file an application for appeal.

Appeal Option

If you did not request mediation, you have 90 days from the date of SGI's written decision to file an application for appeal.

Special Circumstances

If a person has been denied benefits in any of the following circumstances;

- (a) suicide or attempted suicide: section 107(1)
- (b) not resident in Saskatchewan: section 109(1)
- (c) imprisonment, at-fault and impaired accidents, second convictions for impaired/over.08/refusing to blow offences, and convictions for intentional injury: sections 174 and 175

the person or the surviving spouse or dependant has 180 days after receiving written notice of SGI's written decision to file an application for appeal.

A COPY OF SGI's WRITTEN REASONS FOR DECISION MUST BE ATTACHED TO YOUR APPLICATION.

Please note: If a new decision is received by you after this application has been filed and you wish to appeal, a new application form must be completed and sent with the new decision.

PART 5 - Why are you applying?

Provide a brief description of your reasons for applying, preferably in point form. If there is not enough space on the form, attach a separate sheet of paper. It is important that you clearly state the reason(s) why you are appealing and the decision(s) that have been made by SGI that you are challenging. This will assist you in gathering the information and evidence you will need to proceed with your appeal.

PART 6 - Findings of Facts

If you disagree with any of the findings of facts in SGI's decision, you must identify these in your appeal, or the Commission must accept SGI's findings. If you disagree with only some of SGI's findings, identify those you are challenging. Use a separate sheet if necessary or use a copy of SGI's written decisions as a guide. You will have to disprove the challenged findings, or prove other or additional facts.

PART 7 - Evidence

You will require evidence to support your appeal. You and your witnesses may testify in person or by telephone at the hearing. You may also have written evidence (see Part 8). In cases where you have received professional services for your injuries, these professionals can testify at your hearing or you can submit written reports, signed by them, as evidence, or both.

PART 8 - Documents

Are there any documents you now have that you intend to use as evidence at the hearing? Please attach a numbered list, including the type of document (letter, medical report, income tax return, cheque stub), its date, the author, recipient, and any attachments. Copies of these documents **must** be attached.

It is **NOT** necessary to list or attach copies of documents you think are on SGI's file unless you now have a copy. The issues outlined in your application will assist in making these records available to you. SGI is required to forward to the Commission any record it has that is relevant to the issues raised in an application for appeal. You will have the right to examine and make copies of these records at the Commission. SGI will also notify you of your option to obtain copies of these records at your local claims office. Either way, all documents you intend to use at the hearing must be filed with the Commission before a hearing can be scheduled.

PART 9 - Laws and Regulations

If you know that your dispute concerns what you are entitled to under a particular section of *The Automobile Accident Insurance Act*, *The Personal Injury Benefit Regulations*, or any other applicable law, regulation, or rule, please set out which section(s). If you plan a challenge under the *Charter of Rights*, you may wish to consider an appeal to the Court of Queen's Bench rather than this Commission.

Applicable Law

The law and regulations establishing the Commission came into force on January 1, 2003. To assist you in referring to the provisions governing your appeal, please consult:

- *The Automobile Accident Insurance Act*, with respect to Division 11 (Insurer's Decisions and Appeals), Division 11.1 (Appeal Commission); and
- *The Personal Injury Benefits Regulations*, Part X, Divisions 1 to 4.

This is not intended to be a complete list.

PART 10 - Substantial Hardship

The Commission may waive payment of the \$75 application fee in cases of substantial hardship. If, for example, you receive Social Assistance or the Guaranteed Income Supplement, you may qualify. The Certificate of Substantial Hardship, once completed, enables the Commission to make a determination of this issue. You will be notified of the Commission's decision to waive the fee.

Please note: Only the claimant named in Section 1 or their representative named in Section 2 can sign the application for appeal. All decisions are posted on the Commission and CANLII websites and include written reasons that refer to evidence submitted by both parties, including your personal health information.

Before sending your application to this Commission, use this Checklist to ensure all documents are attached.

- SGI's written reasons for decision
- mediator's written statement of completion (if applicable)
- your statement of reasons for appeal
- your statement of facts disputed and what facts you will be proving (if necessary)
- your statement of applicable laws and regulations (if necessary)
- list of documents
- copies of documents
- application fee of \$75 or a Certificate of Substantial Hardship, completed in full

Please make your cheque or money order payable to "Minister of Finance". Do not send cash through the mail.