

Appeal Guidelines: Preparing for an Appeal Hearing

Automobile Injury Appeal Commission



This information will help you get ready for your Automobile Injury Appeal Commission (AIAC) hearing.

Develop a plan

First you need to decide exactly what points in SGI's decision you don't agree with. Then, start thinking about how you will prove your case. What evidence can you provide, either through documents or testimony, that demonstrates why SGI made the wrong decision?

Documents as evidence

Make sure to collect all the documents that you intend to use to support your case. Evidence can include medical reports or opinions, financial information, invoices or photographs.

Then, provide us with copies of your documents well before your hearing date. You may do so by mail, email, or through SharePoint. We'll provide copies of your documents to SGI. Keep in mind, delays in filing documents result in delays in getting a hearing date.

SGI also files documents to support its decision. After they do that, you will get a list of their documents and you can ask for copies of any materials that you do not already have.

The documents filed by you and SGI form the appeal package that you will receive after your hearing is scheduled. This package can either be printed and mailed to you or provided electronically through SharePoint. Please contact the office to determine which option works best for you.

Sometimes documents are filed after the appeal package is distributed, but before the hearing. In those cases, AIAC will make copies for everyone. Depending on how much time is available, those documents may have to be hand delivered to you on the day of the hearing.

If you have documents that you haven't filed with the Commission that you would like to use as evidence, bring copies to the hearing and give them to the clerk. The clerk will number the documents and provide copies to all participants.

Subpoenas

If you're unable to convince someone to testify for you, or provide documents important to your case, the AIAC can help. Provide us the name and address of each person you want to testify at your hearing, or who has documents you require, along with the reasons why their testimony or evidence is important. If the Commission agrees, a subpoena will be prepared and issued.

Once the subpoena is issued, you need to arrange for it to be served, and pay any related costs. This has to take place at least 10 days before your hearing. Bring proof that the subpoena has been served to the appeal hearing.

During your hearing, if anyone refers to documents that are not available to both parties, the panel may request that those documents be filed. This will make sure that everyone gets an equal opportunity to review and respond to the evidence.

Witness testimony as evidence

If you plan to have witnesses speak at the hearing, it is up to you to make sure they know the date, time and location. Witnesses also have the option to appear by video.

Let the AIAC know at least 14 days before your hearing if you will be bringing any witnesses and if any of your witnesses will be testifying by video. If anyone is testifying by video, AIAC will provide them with a video link. Witnesses are encouraged to do a test call with the AIAC a few days prior to the hearing to ensure their video equipment is working properly. Witnesses should be available from the start of the hearing until the end of business hours on the day of the hearing, however, exceptions can be made for your witnesses to testify at a time convenient to them.

If witnesses attend the hearing in person, they may be asked to stay outside of the hearing room until they are called to give their testimony. Witnesses have to promise to tell the truth before they give their testimony.

Other evidence

Talk to our staff if you think you need to file anything other than printed documents, such as x-rays or audio/visual materials.

Special Accommodation

If you, or one of your witnesses, require special arrangements, contact the AIAC right after receiving your Notice of Hearing.

Contacting us before your hearing date

We're here to help. If you have any questions or concerns leading up to your hearing, you can call or email our office. Our office will send you a Notice of Hearing and an appeal package which contains all the documents filed by SGI and by you. **Make sure to review your appeal package and bring it with you to your hearing.**

There's a chance you might be asked to take part in an Appeal Management Hearing (AMH). AMHs are usually short phone calls chaired by a member of the Commission, and are meant to encourage the parties to clarify issues and set a hearing date. This can speed up the process quite a bit. Sometimes, a Pre-Hearing Conference (PHC) may be held to clear up some preliminary issues or clarify other matters. Both AMHs and PHCs are recorded.

Remember, even though you have filed an appeal, you can still stay in touch with SGI. You may even resolve some things before the appeal hearing, as SGI will review any new information you provide during this time. You may also need to keep in touch with SGI on other benefit issues. Either way, you are certainly encouraged to continue your discussions with your insurer.

For more information on the AIAC or the appeal process, visit www.saskatchewan.ca/aiac or contact the Automobile Injury Appeal Commission at:

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saskatchewan.ca

Interpreters

Let the Commission know at least 30 days before your hearing if you need the services of an interpreter and we'll do our best to find one. However, if we can't, you may need to find one on your own. In that case, let us know the name and telephone number of the interpreter and we'll contact him or her before the hearing. Either way, the AIAC will pay the interpreter's fees and certain other expenses.

Need advice?

You may contact the Appeal Advisor Program toll free at **1-833-233-1003** or by email at sgiappealadvisor@gov.sk.ca. Advisors provide free independent advice in helping you prepare your case for appeal.

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