

Appeal Guidelines: Hearing and Decision Process

Automobile Injury Appeal Commission



In most cases, both parties appear in person for the appeal hearing. Occasionally, if both parties agree, the Automobile Injury Appeal Commission (AIAC, or the Commission) may review the evidence submitted and make a decision without having the parties appear.

*The following information applies to the **usual** case in which both parties appear in person or video conference.*

Hearing process

It's not complicated. Your hearing is held in a boardroom, not a courtroom, before a panel of up to three Commission members.

1. The Chair of the panel starts by introducing everyone and giving a brief overview of the appeal hearing process.
2. Then you're invited to give your opening statement, outlining the decision you are appealing and the reason(s) why.
3. SGI's lawyer has the option of giving an opening statement.
4. You then present your case to the panel, reviewing any of the documents you submitted, questioning your witnesses and possibly testifying yourself.
5. SGI is given an opportunity to question you or your witnesses. Members of the panel may also ask questions.
6. SGI then presents their case.
7. You get an opportunity to question SGI's witnesses. Then, the panel can also ask them questions.
8. The Chair then invites you to make a closing statement summarizing your case. (Include any requests for expenses and/or costs related to your appeal in your closing remarks.)
9. SGI makes its closing statement.

Things you should know:

When addressing the Chair of the panel, use either "Mr. /Ms. (Surname)" or "Madame/Mr. Chair."

Any questions, except questions for the witnesses, should be directed to the Chair of the panel. For example, "Mr. Chairman, I have a question about..."

Indicate the number on the top right hand corner of any documents you refer to when giving your statement or asking questions. This helps the panel find and review the document under discussion.

You or your witness should explain why a particular document is relevant to your appeal.

Record of proceedings

All Commission hearings are recorded. A digital copy will be provided to you at no charge if you ask for one. If you want a written transcript, you need to submit a written request and pay a fee.

Except for the Commission, no one is allowed to record an AIAC hearing.

Decision

The appeal panel will usually issue its written decision within 60 days of your hearing, unless additional information is filed afterwards.

If the panel needs more information, either during or after the hearing, a decision will be issued after the new information has been received and reviewed.

The panel's decision is legally binding. The only way it can be appealed is on a question of law. You may want to talk to a lawyer to decide if an appeal is advisable.

Costs

You get your application fee back if your appeal is successful. Also, the Commission can order SGI to pay your expenses in preparing for your appeal, up to a maximum of \$2,500. Expenses may include travel, accommodations, meals, photocopying, the cost of obtaining medical reports or other costs related to the appeal - from the day you filed your appeal until the day the Commission issued its decision.

If you used a lawyer and your appeal was successful, you may be entitled to have some of your legal costs paid.

If something changes

Talk to SGI if your circumstances change, even after the Commission has issued a written decision. For instance, if your medical condition changes or there is a change in the medical findings. SGI will review the new circumstances to determine if your benefits are affected.

If the change in your medical condition directly relates to your injury or your benefits, either you or SGI can apply to the AIAC for a variation/change to the previous decision.

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

1100-1874 Scarth Street
Regina, Saskatchewan S4P 4B3
Phone: 306 798-5545
Toll free: 1 866 798-5544
Fax: 306 798-5540
Email: aiac.inquiries@gov.sk.ca

Be aware

Written decisions include references to evidence submitted by you and/or SGI, including personal health information. Decisions that include the names of both parties are available to the public at the AIAC office.

All decisions are posted on the Canadian Legal Information Institute's website (www.canlii.ca). To protect your privacy, your name will be removed and replaced with initials (not yours) before the decision is posted online.

Subpoenas

If you are unable to convince someone to testify for you, or provide documents important to your case, the AIAC can help by preparing and issuing a subpoena. Please contact us for further information. Don't delay! A subpoena must be served at least 10 days before your hearing.