

IN THE COURT OF APPEAL OF MANITOBA

BETWEEN:

<i>MARTIN KORSCH</i>	)	<i>M. Korsch</i>
	)	<i>on his own behalf</i>
	)	
<i>(Appellant) Applicant</i>	)	<i>H. B. Main</i>
	)	<i>for the Respondent</i>
- and -	)	<i>Manitoba Public</i>
	)	<i>Insurance Corporation</i>
<i>MANITOBA PUBLIC INSURANCE CORPORATION</i>	)	
	)	<i>T. D. Edkins</i>
	)	<i>for the Respondent</i>
<i>(Respondent) Respondent</i>	)	<i>Automobile Injury</i>
	)	<i>Compensation Appeal</i>
- and -	)	<i>Commission</i>
	)	
<i>AUTOMOBILE INJURY COMPENSATION APPEAL COMMISSION</i>	)	<i>Chambers motion heard:</i>
	)	<i>January 29, 2026</i>
	)	
<i>Respondent</i>	)	<i>Decision pronounced:</i>
	)	<i>February 12, 2026</i>

CAMERON JA

[1] The applicant applies for leave to appeal the decision of the respondent, Automobile Injury Compensation Appeal Commission (the commission), that upheld a decision of the internal review officer (the IRO) for the respondent, Manitoba Public Insurance Corporation (MPIC), regarding the calculation of his income replacement indemnity (IRI) for 2022 (the 2022 IRI).

[2] The law governing leave to appeal a decision of the commission was neatly summarized by Pfuetzner JA in *Levin v Manitoba Public Insurance Corporation et al*, 2021 MBCA 16 at para 2, where she stated:

Sections 187(1) and 187(2) of *The Manitoba Public Insurance Corporation Act*, CCSM c P215 (the *Act*), provides the applicant a right to appeal the Commission's decision, with leave, on a question of jurisdiction or of law. Such questions must not require the Court to assess or analyse conflicting factual issues. Even if the applicant identifies a question of law or jurisdiction, leave will only be granted if the question is one of sufficient importance to merit the attention of the Court. Finally, there must be an arguable case of substance; that is, one with a reasonable prospect of success (see *Loewen v Manitoba Public Insurance Corp et al*, 2009 MBCA 16 at para 2).

[3] In 1999, the applicant was involved in a motor vehicle accident (MVA) for which he was entitled to receive IRI for losses from self-employment (the self-employment claim). In 2004, he was involved in a second MVA for which he was entitled to receive IRI for losses from his employment (the employment claim). Each of the self-employment claim and the employment claim were indexed annually by MPIC, resulting in his biweekly entitlements being adjusted in accordance with the legislation (see *The Manitoba Public Insurance Corporation Act*, CCSM c P215; *Income Tax Act*, RSC 1985, c 1 (5th Supp) [the *ITA*]).

[4] In 2022, the applicant appealed the decision of his case manager—which set his entitlement at \$523.40—to the IRO, who considered both the self-employment claim and the employment claim entitlements. The IRO upheld the case manager's decision. In addition, the IRO stated that the self-employment claim should have been calculated as an employment claim,

which further reduced the applicant's entitlement. The IRO's decision articulated three reasons for the reduction:

- i) The applicant's marital status had changed from married to separated; therefore, he was no longer entitled to the spousal tax credit under the *ITA*, which resulted in an adjustment to his biweekly entitlement.
- ii) The applicant's Canada Pension Plan disability entitlement had increased. Of note, this statement was erroneous, as the applicant was not in receipt of such an entitlement.
- iii) An error had occurred in the factors used to calculate the self-employment claim, which was changed to employed. In making this statement, the IRO mistakenly had this backwards. In fact, for a short period of time, the self-employment claim was wrongly listed as employed.

[5] The applicant appealed the decision of the IRO to the commission. In its reasons, the commission defined the issue to be considered as: "Whether the [applicant]'s bi-weekly entitlement to [IRI] was correctly indexed for 2022 in accordance with The MPIC Act and its Regulations."

[6] In detailed and thorough reasons, the commission explained its conclusion that, given the errors made by the IRO, it could not declare that it was upholding the IRO's entire decision. However, to the extent that the IRO's decision upheld the calculations reached by the case manager, the commission stated that both the self-employment claim and the employment claim IRI entitlements were correctly calculated based on the applicant's

marital and self-employed status. In reaching this conclusion, the commission considered and accepted the calculations of the IRI accounting specialist, who identified the errors made by the IRO regarding the calculation of the 2022 IRI.

[7] Although the notice of motion filed by the applicant lists a question of jurisdiction and law as the proposed ground of appeal, the applicant's brief raises alleged errors that are unrelated to the 2022 IRI, including:

- i) the fraudulent insertion of his signature in a 2015 agreement with MPIC;
- ii) his diagnosis of an illness and treatment in hospital in 2018;
- iii) the suspension of his driver's licence in 2020 (which he argues was related to his 2018 diagnosis);
- iv) failure to fully consider the amounts of the self-employment claim, the employment claim entitlements and a claim for potential earnings; and
- v) systemic mismanagement.

[8] At the hearing, the applicant argued that the errors made by the IRO were sufficient to raise a question of law or jurisdiction sufficient to grant leave to appeal.

[9] While it is entirely understandable that the errors committed by the IRO would cause confusion and mistrust on the part of the applicant, the above summary of his submissions demonstrates that he has not raised a question of

law or an arguable case of substance in relation to the decision of the commission or its conclusion.

[10] In the result, leave to appeal is denied. Given the circumstances, I would make no order as to costs.

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