



Citation: Ainanshe v. Allstate Insurance, 2023 ONLAT 21-008648/AABS

Licence Appeal Tribunal File Number: 21-008648/AABS

In the matter of an application pursuant to subsection 280(2) of the *Insurance Act*, RSO 1990, c I.8, in relation to statutory accident benefits.

Between:

**Omer Ainanshe
Known as Caynaanshe Xassan Aw-Rooble**

Applicant

and

Allstate Insurance

Respondent

DECISION

ADJUDICATOR: Harry Adamidis

APPEARANCES:

For the Applicant: Omer Ainanshe, known as Caynaanshe Xassan Aw-Rooble, Applicant

For the Respondent: Ryan Kirshenblatt, Counsel

HEARD: In Writing By way of written submissions

OVERVIEW

- [1] Omer Ainanshe, known as Caynaanshe Xassan Aw-Rooble, the applicant, was involved in an automobile accident on September 12, 2020, and sought benefits pursuant to the *Statutory Accident Benefits Schedule - Effective September 1, 2010 (including amendments effective June 1, 2016)* (the “Schedule”). The applicant was denied benefits by the respondent, Insurer, and applied to the Licence Appeal Tribunal - Automobile Accident Benefits Service (the “Tribunal”) for resolution of the dispute.

ISSUES

- [2] The issues in dispute are:
- i. Do the applicant’s injuries fall within the Minor Injury Guideline?
 - ii. Is the applicant entitled to \$2,200.00 for physiotherapy services proposed by Cloverdale Chiro Clinic. in a treatment plan/OCF-18 (“plan”) submitted October 7, 2020 and denied October 12, 2020?
 - iii. Is the applicant entitled to \$631.67 for other assistive devices submitted November 27, 2020 and denied January 13, 2021?
 - iv. Is the applicant entitled to \$6,085.44 for occupational therapy services proposed by Total Healthcare Solutions in a treatment plan/OCF-18 (“plan”) submitted November 20, 2020 and denied March 16, 2021?
 - v. Is the applicant entitled to \$10,430.61 per month for attendant care benefits from December 15, 2020 and ongoing, submitted on December 15, 2020 and denied on March 16, 2021?
 - vi. Is the applicant entitled to \$16,118.14 for assistive devices proposed by Total Healthcare Solutions in a treatment plan/OCF-18 (“plan”) March 3, 2021 and denied March 18, 2021?
 - vii. Is the applicant entitled to \$2,200.00 for the cost of an assessment proposed by The Speech Therapy Centres in a treatment plan/OCF-18 (“plan”) March 2, 2021 and denied March 18, 2021?
 - viii. Is the applicant entitled to \$1,525.50 for the medical benefits proposed by Korn Nutrition Inc. in a treatment plan/OCF-18 (“plan”) January 19, 2022 and denied February 16, 2022?

- ix. Is the applicant entitled to a nutritional assessment submitted under the wrong claim number.
- x. Is the applicant entitled to interest on any overdue payment of benefits?
- xi. Is the applicant entitled to a special award as per the SABS?

RESULT

[3] This application is dismissed.

PROCEDURAL HISTORY

- [4] A case conference took place on July 4, 2022. Adjudicator Campbell ordered that this matter proceed by way of a written hearing.
- [5] Counsel for the applicant subsequently removed herself from the record on October 24, 2022.
- [6] A written hearing was scheduled to take place on March 31, 2023. A Notice of Written Hearing was sent to the applicant by email on July 29, 2022.
- [7] The case conference order required the applicant to serve and file his evidence and submissions by March 1, 2023. No submissions were received by the Tribunal.
- [8] The applicant requested an adjournment on March 24, 2023. The respondent consented to this request. Adjudicator Lake issued an order adjourning the written hearing to June 30, 2023. A Notice of Written Hearing was e-mailed to the applicant on May 3, 2023.
- [9] As the hearing was rescheduled, the case conference order now required the applicant to serve and file his evidence and submissions by May 30, 2023. No submissions were received by the Tribunal.
- [10] The applicant subsequently filed a motion for, among other things, a second adjournment on July 24, 2023. Adjudicator Mazerolle dismissed the motion on August 18, 2023. The order was emailed to the applicant on the same day.

ANALYSIS

- [11] The burden of proof rests with the applicant to establish their case. The applicant has not filed any evidence and made no submissions. As such, there is no basis upon which to grant this application. This application is dismissed.

ORDER

[12] I order that the application be dismissed.

Released: October 19, 2023

Harry Adamidis
Adjudicator