

**IN A MATTER OF AN ARBITRATION TO REVIEW A DECISION OF THE  
ADMINISTRATOR UNDER THE HCV 1986-1990 SETTLEMENT AGREEMENT**

Claim No: 6594

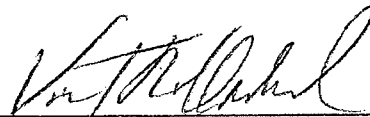
Vincent R.K. Orchard, Q.C., Arbitrator

Decision

Claim ID: 6594

1. This is an appeal by way of arbitration of the decision of the Administrator by letter dated May 26, 2009 denying the claim for failure to provide evidence of a blood transfusion during the Class Period between January 1, 1986 and July 1, 1990. The Administrator's decision is based on Article 3.01(1)(a) of the Transfused HCV Plan (the "Plan") requiring the Claimant to submit evidence by way of medical records of a blood transfusion during the Class Period. The Claimant did not provide the necessary evidence.
2. Canadian Blood Services conducted a Traceback which confirmed the Claimant received no blood transfusions prior to August 1990.
3. The Claimant recognizes that he received transfusions only after the Class Period but he submits his claim should not be denied on the basis of the dates of the transfusions.
4. The Claimant declined an in-person hearing.
5. As an arbitrator hearing an appeal of a decision of the Administrator, I am bound by the court approved provisions of the Plan. So too is the Administrator. Neither the Administrator nor an arbitrator has authority to amend or vary the Plan. As an Arbitrator or Referee I am not permitted to decide an appeal contrary to the specific terms of the Plan.
6. Under the Plan, the Class Period "means the period from and including 1 January 1986 to and including 1 July 1990". The Claimant offers no proof of a blood transfusion in the Class Period. Accordingly, the appeal must be dismissed.

DATED at Vancouver, British Columbia, this 16<sup>th</sup> day of April, 2012



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Vincent R.K. Orchard, Q.C., Arbitrator