

**CLAIM #1401942**

**Province of Infection: Ontario**  
**Province of Residence: Ontario**

**IN THE MATTER OF AN ARBITRATION  
TO REVIEW THE DECISION OF THE ADMINISTRATOR**

**Before:** Tanja Wacyk

**Heard:** July 15, 2005, at Burlington, Ontario

**Appearances:** No one for the Appellant  
Belinda A. Bain and Carol Miller for the Administrator

## **DECISION**

### **BACKGROUND:**

1. The Appellant applied for compensation as a Primarily Infected Person under the Transfused HCV Plan ("the Plan"), as set out under the terms of the 1986-1990 Hepatitis C Settlement Agreement ("the Settlement Agreement").
2. By letter dated February 11, 2005, the Administrator of the Fund (the "Administrator") denied his application. The basis for the denial was that the Administrator could not conclude that the Appellant was infected for the first time with HCV by a Blood transfusion received in Canada during the Class Period i.e. January 1, 1986 - July 1, 1990.
3. The Appellant requested that an Arbitrator review the decision of the Administrator in an in-person hearing.
4. The hearing date was set in consultation with the Appellant. By correspondence dated March 28, 2005, the parties were given notice that the Appellant's appeal would be heard on Friday, July 15, 2005 commencing at 10 a.m. in the LaSalle Room at the Holiday Inn, 3063 South Service Road, Burlington, Ontario.
5. The Appellant did not attend the hearing.
6. The Appellant bears the onus in demonstrating the Administrator erred in denying his application. The Appellant was not present to lead any evidence. After waiting one-half hour for the Appellant to appear, his appeal was dismissed as abandoned.

### **DISPOSITION:**

7. The appeal is dismissed and the decision of the Administrator affirmed.

DATED AT TORONTO, THIS 19TH DAY OF JULY, 2005.

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Tanja Wacyk, Arbitrator