Decision

Claim No. 1540

The Claimant has requested a review by a Referee of the decision of the Administrator denying his claim for compensation as a primarily infected person according to the Transfused HCV Plain as set out under the terms of 1986-1990 Hepatitis C Settlement Agreement.

The Administrator denied this claim on July 2, 2004.

The Claimant's Treating Physician form indicates that the Claimant had a history of blood transfusions prior to January 1, 1986, and that he had been incarcerated. The only date of transfusion identified on the Treating Physician Form is March 18, 1984. Neither the Claimant nor his physician indicate that there was any transfusion in the class period of 1986-1990. The Claimant on his Blood Transfusion History form indicates that he had a blood transfusion at Lions' Gate Hospital as a result of head trauma on an unspecified date. The records of Lions' Gate Hospital indicate that that hospitalization was in 1984.

In his Request for Review by Referee, the Claimant says "I believe that although I was not infected in the appropriate time frame I will still have Hep C for the rest of my life."

The Claimant has indicated that he does not wish an oral hearing.

One of the criteria for compensation as a Primarily Infected Person under the Transfused HCV Plan is that the Claimant must demonstrate that he received a blood transfusion in Canada during the Class Period of January 1, 1986-July 1, 1990. The Claimant has not been able to do so, nor has he been able to provide medical records demonstrating that he received a blood transfusion in Canada in the Class Period as required by Article 3.01 of the Plan. Indeed, the Claimant concedes that he was not infected in the class period.

A referee does not have discretion to disregard the terms of the Transfused HCV Plan.

As the Claimant has not demonstrated that he falls within the class period, I uphold the decision of the Administrator.

Dated at Vancouver, British Columbia, this3rd day of November, 2005

Robin J Harper