

THE 1986-1990 HEPATITIS C CLASS ACTION SETTLEMENT

IN THE MATTER OF AN APPEAL FROM THE DECISION OF THE ADMINISTRATOR
DATED FEBRUARY 16, 2011

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| CLAIMANT: | No. 1401630 |
| FOR THE ADMINISTRATOR: | John Callaghan Carol Miller |
| ARBITRATOR: | C. Michael Mitchell |

DECISION

1. This is an Ontario-based claimant, claim # 1401630.
2. Two Conference calls were held in this matter and a subpoena was issued for the production of hospital records from St. Thomas Elgin Hospital. The hospital records from two hospitals (St. Joseph's in London also produced medical records that were part of the file) do not show any transfusion for the claimant in the relevant time period. All the records show is one emergency room visit for a burn on the claimant's fingers. There is nothing in the files suggestive of events that might have led to possible transfusion at any time.
3. The Claimant has no knowledge of a transfusion, but he applied to the Fund because he has Hepatitis C, has no history or practice of taking IV drugs or any other activity that would constitute a risk factor for Hepatitis C to his knowledge. He therefore concluded that he must have had a transfusion and contacted the disease from transfused blood. However, there is no evidence of that occurring.
4. In the second conference call the above asserted facts were reviewed with the claimant. It was explained to the claimant that he had a right to a hearing, but that my understanding was that in the circumstances, it would not avail him of any remedy and would appear to serve no useful purpose. It was explained that there appeared to be no further action that was possible in this case and that a decision would be written and sent to him. The Claimant was agreeable to the claim being terminated and no hearing being held.
5. On consent, this application will not proceed further and is terminated.

DATED at Toronto this 17th day of December, 2012



C. Michael Mitchell
Arbitrator