

**IN THE MATTER OF AN APPEAL TO REVIEW THE DECISION OF THE ADMINISTRATOR CONCERNING  
CLAIM NO. 70359 UNDER THE HCV LATE CLAIMS BENEFIT PLAN AND UNDER THE HCV 1986 - 1990  
SETTLEMENT AGREEMENT AND THE TRANSFUSED HCV PLAN**

Vincent R. K. Orchard, Q.C., C. Arb. / Arbitrator and Referee for the Province of British Columbia

## Decision

Claim ID No: 70359

### I. BACKGROUND

1. By letter dated May 14, 2024 the Administrator denied the Claimant's late claim for benefits under the Transfused HCV Plan (the "Plan") in essence for failure to provide sufficient evidence of a blood transfusion within the Class Period as required under the Plan.
2. The Claimant requested a review of the Administrator's denial of the claim by a referee in a written request for review dated May 27, 2024.
3. As the referee, I conducted two conference calls involving both Fund counsel and the Claimant on September 26 and December 11, 2024. The Claimant maintained that he had surgery with a blood transfusion within the Class Period at a hospital in M. However, Canadian Blood Services determined that no hospital records were available as records had been destroyed. In an effort to assist the Claimant to prove his claim, between telephone conferences, Fund counsel contacted the surgeon who attended to the Claimant at the W hospital in question but regrettably the surgeon's records had also been destroyed and he had no recollection of performing the surgery in question on the Claimant.

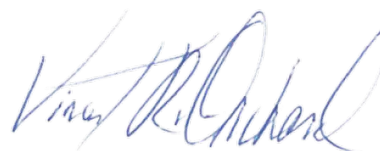
### II. DISCUSSION

4. Fund counsel explained clearly to the Claimant the proof required under the Plan, particularly where hospital records are no longer available. Nevertheless, it was emphasized to the Claimant that it was his right to proceed with the appeal process and to have an oral hearing if he so wished.
5. The Claimant confirmed that he had given considerable thought to whether he wished to proceed with the appeal. Having been provided by Fund counsel with written communication of the Winnipeg surgeon, now retired, during the telephone conference call on December 11, 2024, combined with the lack of other evidence, such as hospital records and third party witnesses, the Claimant voluntarily elected to abandon his appeal.

### III. DECISION

6. Accordingly, I hereby order that the appeal of the Administrator's denial of the Claim be dismissed as abandoned.

Dated at Burnaby, British Columbia, this 18th day of December, 2024.



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Vincent R.K. Orchard, Q.C., C. Arb.  
Arbitrator / Referee