

IN THE MATTER OF AN ARBITRATION

BETWEEN:

Hamilton Health Sciences

-and-

**Canadian Union of Public Employees
Local 7800**

Grievance of Antonella Petrucci

Lorne Slotnick, Arbitrator

Representing the Employer – Melina Senchyshak

Representing the Union – Matthew Alloway and Dave Murphy

Hearing – Hamilton, Ont., December 5, 2018

INTERIM AWARD

This grievance arises from the denial of long-term disability benefits to the grievor, Antonella Petrucci, by the insurer for Hamilton Health Sciences, Desjardins Insurance.

Considering the factual disputes in this matter, I make the following orders:

1. The grievor will participate in Desjardins's Medical Appeals Process (MAP), at Desjardins's expense (except for transportation). The process will include assessment by two physicians, one dealing with the grievor's physical health and one dealing with mental health. Under this process, the independent physicians will be chosen jointly by Desjardins's medical consultants and the grievor's treating physicians. The independent physicians will review the medical records and documents contained in the long-term disability file and will meet with the grievor in person to perform a medical examination. The independent physicians will determine whether the grievor is totally disabled according to the definition of disability in the group insurance contract. Desjardins, the grievor and the union are to make their best efforts to have the process completed as soon as possible, and will be bound by the results.
2. As agreed, the grievor will be paid an amount equal to two months of the benefits she would receive had her claim been approved (\$3,153.96 per month). This money, paid without prejudice, is to be provided in two equal payments, one from Hamilton Health Sciences, and one from Desjardins. I order these payments to be made within one month of the date of this award.

3. I will remain seized.

Lorne Slotnick

Lorne Slotnick, Arbitrator

December 10, 2018