

NOVA SCOTIA COURT OF APPEAL

Jones, Hallett and Freeman, JJ.A.

Cite as: Martin v. Nova Scotia (Workers' Compensation Board), 1993 NSCA 79

BETWEEN:

EDITH MARTIN, Workers' Compensation
Claim Number 1437346

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Gail Rudderham Chernin
for the Appellant

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Appellant

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- and -

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WORKERS' COMPENSATION APPEAL
BOARD

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Respondent

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Jonathan Davies
for the Respondent

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Appeal Heard:
March 30, 1993

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Judgment Delivered:
March 30, 1993

THE COURT: Appeal dismissed without costs per oral reasons for judgment of Jones, J.A.; Hallett and Freeman, JJ.A. concurring.

The reasons for judgment of the court were delivered orally by:

JONES, J.A.:

This is an appeal from a decision of the Workers' Compensation Appeal Board

dismissing the appellant's claim for compensation.

The deceased, Amos Martin, was born in 1917 and died on June 12, 1988. He was employed at Sysco for 44 years retiring in 1979 some nine years before his death. He worked in various departments including the blast furnace. He died from pneumonia. He smoked during his life. There was some evidence of the presence of cancer in the lungs. He never applied for compensation while working. Reports were filed by Dr. Dill and Dr. Lundrigan attributing the death in part to exposure to industrial fumes in the plant. No autopsy was performed. The Board after hearing the evidence concluded that there was insufficient evidence to warrant granting survival benefits. The issue in this case was essentially a question of fact for the Board. The notice of appeal raises a number of grounds. After carefully reviewing the record and the submissions of counsel we can find no error of law or jurisdiction on the part of the Appeal Board which would justify this court in interfering with the decision of the Board. The appeal is dismissed without costs.

J.A.

Concurred in:

Hallett, J.A.

Freeman, J.A.

NOVA SCOTIA COURT OF APPEAL

BETWEEN:

EDITH MARTIN

Appellant

- and -
FOR

BY:
WORKERS' COMPENSATION
APPEAL BOARD

Respondent

REASONS

JUDGMENT

JONES,
J.A.