

NOVA SCOTIA COURT OF APPEAL

Jones, Hallett and Freeman, J.J.A.

Cite as: O'Brien v. Nova Scotia (Workers' Compensation Board), 1993 NSCA 80

BETWEEN:

VERONICA O'BRIEN)	
Workers' Compensation Claim Number)	
1458204)	Gail Rudderham Chernin
)	for the Appellant
)	
Appellant)	
)	
- and -)	
)	Jonathan Davies
)	for the Respondent
)	
WORKERS' COMPENSATION APPEAL)	
BOARD)	
)	
)	
Respondent)	Appeal Heard:
)	March 30, 1993
)	
)	Judgment Delivered:
)	March 30, 1993
)	
)	
)	
)	
)	
)	
)	
)	
)	
)	
)	
)	
)	
)	
)	
)	
)	
)	
)	
)	

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

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

JONES, J.A.:

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

dismissing the appellant's claim for survival benefits.

The deceased, Howard O'Brien, was born in 1917 and died on July 9, 1989. He was employed at Sysco for 48 years retiring in 1982. Over the years he worked at a number of jobs including work in the brick department and the coke ovens. He died of lung cancer. There was evidence that he had smoked during his life. He had never applied for compensation while employed. There was no autopsy performed following his death. The application was supported by medical reports from Dr. Dill who had treated the deceased and Dr. Paul Landrigan who had reviewed the file. The doctors reported that exposure to the coke oven's atmosphere made a significant contribution to the development of the cancer of the lung.

After reviewing the file and the medical reports and hearing evidence the Board concluded that there was insufficient evidence to warrant a widow's allowance. 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:

VERONICA O'BRIEN

Appellant

- and -
FOR

BY:
WORKERS' COMPENSATION
APPEAL BOARD

Respondent

)
) REASONS

) JUDGMENT

)
) JONES,
) J.A.

)
)
)
)
)
)
)
)