

CASE NO.

VOL. NO.

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MICHAEL MEECHAN

- and -

THE NOVA SCOTIA WORKERS=
COMPENSATION APPEALS TRIBUNAL
and THE WORKERS= COMPENSATION
BOARD OF NOVA SCOTIA

(Appellant)

(Respondents)

CA 168849

Halifax, N.S.

BATEMAN, J.A.

SAUNDERS, J.A.

(Concurring by Separate Reasons)

[Cite as: Meechan v. Nova Scotia (Workers= Compensation Board), 2001 NSCA 124]

APPEAL HEARD:

May 15, 2001

JUDGMENT DELIVERED:

September 11, 2001

SUBJECT: Worker's Compensation

SUMMARY: The appellant suffered a work related injury to his back on December 24, 1977. A week later, while working on a ladder, he turned and felt a sharp pain in his back. The first incident was not reported by the employer to Worker's Compensation. A claim was, however, made in regard to the second event and the appellant received temporary disability benefits on that account. The appellant sought a PMI rating in relation to the back injury. The proceedings which followed were lengthy and complex. His claim was denied, most recently, on the basis that the first accident had never been reported.

ISSUE:

Was the claimant not entitled to benefits due to a failure to comply with the reporting requirements of the Worker's Compensation legislation?

RESULT:

Appeal allowed. The appellant was treated by physicians throughout taking into account both events. It is not disputed that the first accident occurred. The matter is remitted to the Tribunal for determination of his entitlement to a PMI rating, taking into account both accidents.