

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** Puddicombe v. Nova Scotia (Workers' Compensation Board),  
2005 NSCA 62

**Date:** 20050408

**Docket:** CA 232210

**Registry:** Halifax

**Between:**

The Nova Scotia Department of Transportation and  
Public Works

Appellant

v.

Nova Scotia Workers' Compensation Appeals Tribunal,  
The Workers' Compensation Board of Nova Scotia and  
William Puddicombe (Worker)

Respondents

---

**Judge:** The Honourable Justice Thomas Cromwell

**Appeal Heard:** March 22, 2005

**Subject:** **Workers' Compensation - Standard of appellate review of  
WCAT - Whether the worker suffered an injury by accident  
arising out of and in the course of employment.**

**Summary:** A snow plow driver was called in to work early to deal with snow and slush on the road as a result of an unexpected spring snow storm. On his way in, his car slipped off the road as a result of the poor road conditions and he was injured. He was granted workers' compensation benefits, but his employer appealed on the basis that his injuries did not arise out of and in the course of his employment as required by s. 10 of the

**Workers' Compensation Act, S.N.S. 1994-95, c. 10.**

- Issues:**
1. What is the standard of appellate review of WCAT's decision in this case?
  2. Did WCAT commit reviewable error in deciding that the worker's injury by accident arose out of and in the course of his employment?

**Result:** Appeal dismissed. In articulating the general legal principles applicable to the case, WCAT must be correct, but its application of them to the facts of the case is to be reviewed according to the reasonableness standard. WCAT did not err in its articulation of the relevant legal principles and its application of them to the facts was reasonable.

**This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 16 pages.**