

CASE NO.

VOL. NO.

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DONALD BROWN

- and -

WORKERS' COMPENSATION APPEALS
TRIBUNAL OF NOVA SCOTIA, WORKERS'
COMPENSATION BOARD OF NOVA SCOTIA
and NOVA SCOTIA POWER CORPORATION

(Appellant)

(Respondents)

CA162580

Halifax, N.S.

Roscoe, J.A.

[Cite as: Brown v. Nova Scotia Workers' Appeal Tribunal, 2000 NSCA 101]

APPEAL HEARD:

September 12, 2000

JUDGMENT DELIVERED:

September 15, 2000

SUBJECT:

Workers' Compensation, causation

SUMMARY:

The appellant fell on ice at his place of employment on February 15, 1991 and missed three days work. In November 1993 the appellant had back surgery to correct spinal stenosis and a bulging disc. After numerous hearings, reviews and appeals the Board found, based on a preponderance of the medical evidence, that there was no connection between the fall and the surgery. Those findings were confirmed by WCAT.

ISSUE:

Did the Tribunal err in law or jurisdiction in proceeding by way of paper review, by confirming that the conditions requiring corrective surgery were not causally related to the work place accident and in declining to order an independent medical review pursuant to s. 254 of the **Workers' Compensation Act**?

RESULT:

Appeal dismissed. The factual findings of the Tribunal relating to causation were not patently unreasonable. The grounds of appeal relating to the discretionary rulings did not raise questions of law or jurisdiction.

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 4 pages.