

CASE NO.**VOL. NO.****PAGE**

THE WORKERS' COMPENSATION
BOARD OF NOVA SCOTIA

THE WORKERS' COMPENSATION
APPEALS TRIBUNAL OF NOVA
SCOTIA and DANNY MacDONALD
(Workers' Compensation Claim No.
1419987)

- and -

(Appellant)

(Respondents)

CA 162973

Halifax, N.S.

HALLETT, J.A.

[Cite as: **MacDonald v. Nova Scotia (Workers' Compensation Board),
2000 NSCA 134**]

APPEAL HEARD:

October 13, 2000

JUDGMENT DELIVERED:

November 23, 2000

SUBJECT:

Workers' Compensation Act, S.N.S. 1994 - 95, c. 10, as
amended by S.N.S. 1999, c. 1
Board of Directors' Policy 8.1.7R1

SUMMARY:

The Appeals Tribunal held that Policy 8.1.7R1 which limits the scope of a reconsideration of a Board decision made under s. 185(1) is inconsistent with the worker's right to have a Board decision reconsidered pursuant to s. 185(2) of the **Act**.

On appeal to the Nova Scotia Court of Appeal the Court held that the Appeals Tribunal erred in law by incorrectly interpreting the **Act**. The **Act** does not provide for a right to have a Board decision reconsidered; the right having been eliminated on April 16th, 1999, by the repeal of s. 196 of chapter 10 of the **Acts** of Nova Scotia, 1994 - 95 by s. 25 of chapter 1 of the **Acts** of Nova Scotia, 1999.

The Court allowed the appeal and issued a declaratory order that Policy 8.1.7R1 is not inconsistent with the discretionary power, conferred on the Board pursuant to s. 185(2) of the **Act**, to reconsider a s. 185(1) decision.

<p>This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 23 pages.</p>
